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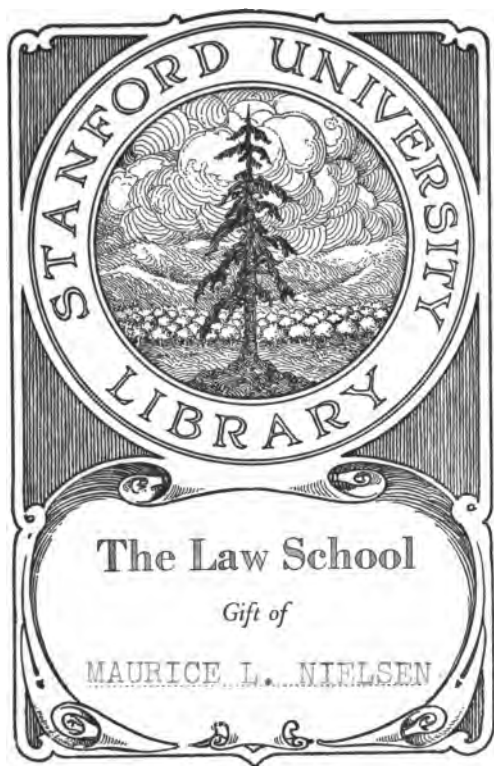
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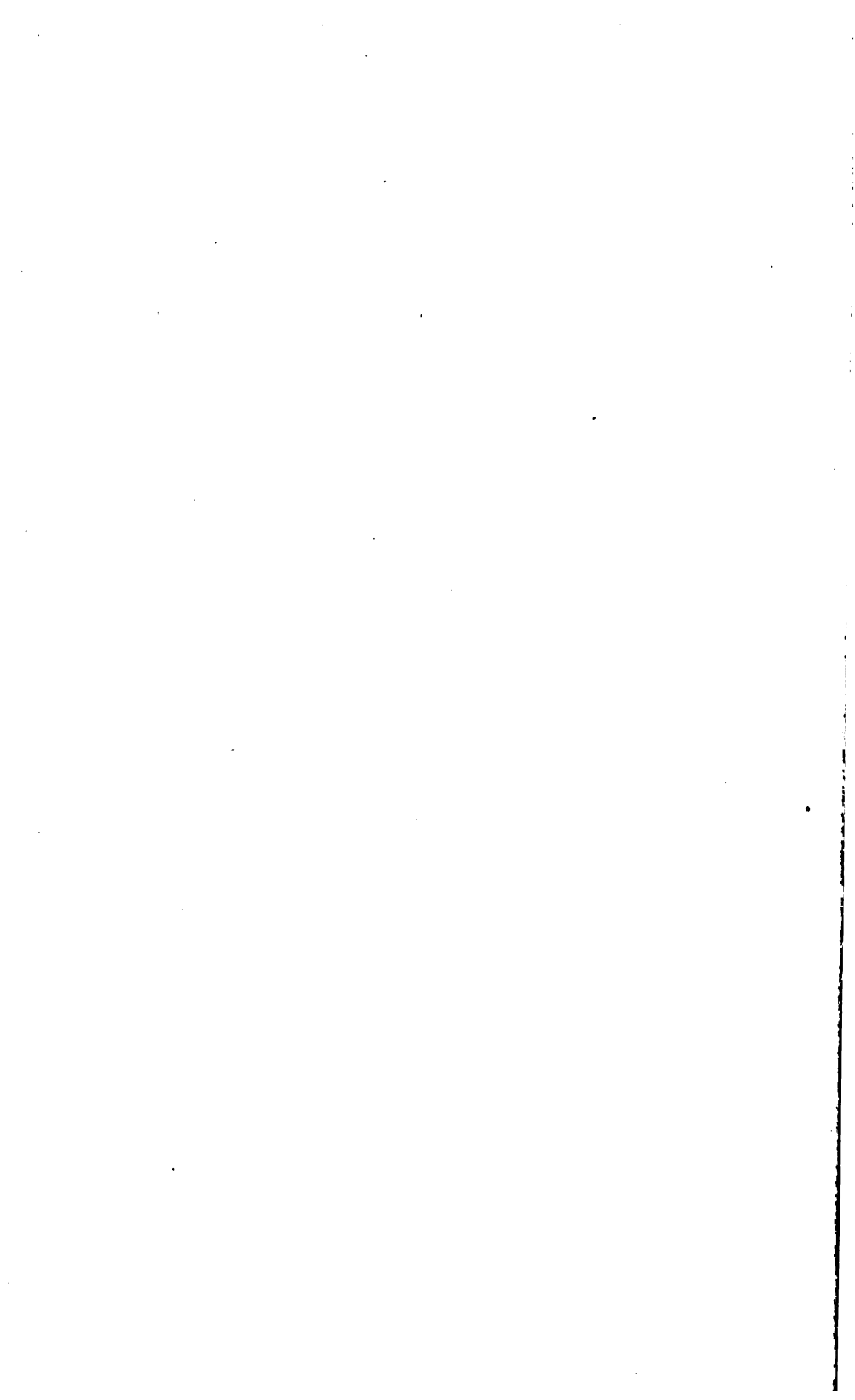
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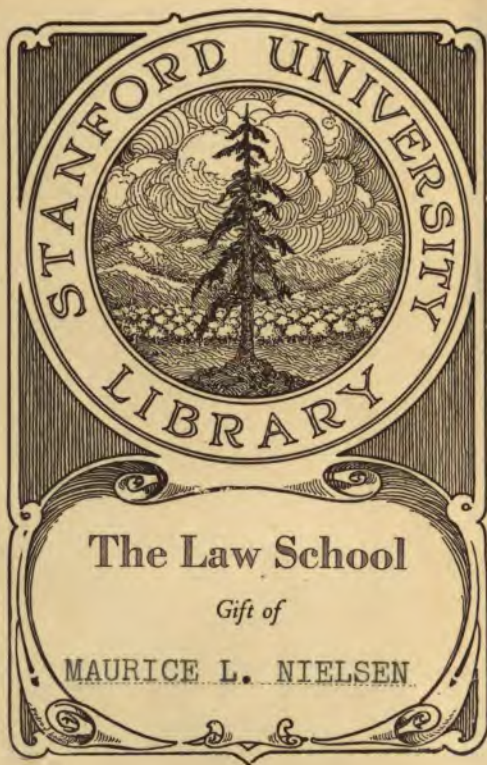
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YRABU OOTWATZ

CERTIFICATE.

Territory of Arizona, } ss.
OFFICE OF THE SECRETARY.

I, H. M. VAN ARMAN, Secretary of the Territory of Arizona, do hereby certify that the ACTS, RESOLUTIONS and MEMORIALS herein contained are printed as passed by the Thirteenth Legislative Assembly of the Territory of Arizona, according to the enrolled copies on file in my office.



WITNESS my hand and seal of the
Territory, given at Prescott, the
6th day of May, A. D. 1885.

H. M. VAN ARMAN,
Secretary of Territory.

RECEIVED MAY 11 1885

95/

YRABLL GBOBHATZ

OFFICERS OF THE TERRITORY.

1885.

Federal.

POSITION.	NAME.	LOCATION.
Governor	F. A. Tritle	Prescott.
Secretary	H. M. Van Arman.	Prescott.
Chief Justice.....	Sumner Howard.....	Prescott.
Associate Justice.....	Daniel H. Pinney.....	Phoenix.
Associate Justice.....	W. G. Fitzgerald.....	Tucson.
U. S. District Attorney.....	J. A. Zabriskie	Tucson.
U. S. Marshall.....	Z. L. Tidball.....	Tucson.
Surveyor General.....	Royal A. Johnson.	Tucson.
Register Land Office.....	Thos. Wing	Prescott.
Register Land Office.....	B. M. Thomas.....	Tucson.
Receiver Land Office.....	Chester Thomas.....	Prescott.
Receiver Land Office.....	Daniel H. Wallace.....	Tucson.

Territorial.

POSITION.	NAME.	LOCATION.
Delegate in Congress.....	C. C. Bean.....	Prescott.
Attorney-General.....	Clark Churchill.....	Prescott.
Adjutant-General.....	M. H. Sherman	Phoenix.
Auditor.....	E. P. Clark	Prescott.
Treasurer.....	T. J. Butler.....	Prescott.

OFFICERS
OF THE
THIRTEENTH LEGISLATIVE ASSEMBLY.

Council.

President.....	F. K. Ainsworth.
Chief Clerk.....	A. E. Fay.
Assistant Chief Clerk.....	R. Z. Pryke.
Sergeant-at-Arms.....	Patrick Hamilton.
Enrolling and Engrossing Clerk.....	W. S. Hodges.
Watchman.....	John Roberts.
Messenger.....	John Robinson.
Chaplain.....	Nathan Guthrie.

House of Representatives.

Speaker.....	H. G. Rollins.
Chief Clerk.....	Morris Goldwater.
Assistant Chief Clerk.....	Z. H. Carpenter.
Enrolling and Engrossing Clerk.....	F. Ingoldsby.
Sergeant-at-Arms.....	W. A. Cuddy.
Watchman.....	J. P. Burnett.
Messenger.....	John Reilly.
Chaplain.....	J. M. Greene.

MEMBERS

OF THE

THIRTEENTH LEGISLATIVE ASSEMBLY.

Council.

NAME.	<i>Apache County.</i>	RESIDENCE.
E. S. Stover.....		Apache.
	<i>Cochise County.</i>	
W. A. Harwood.....		Tombstone.
	<i>Gila County.</i>	
Alonzo Bailey.....		Globe.
	<i>Graham County.</i>	
W. G. Bridwell..		Safford.
	<i>Maricopa County.</i>	
R. B. Todd.....		Phoenix.
	<i>Mohave County.</i>	
John Howell.....		Hackberry.
	<i>Pima County.</i>	
R. N. Leatherwood.....		Tucson.
	<i>Pinal County.</i>	
Thos. Weedon.....		Florence.
	<i>Yavapai County.</i>	
W. G. Stewart.....		Flagstaff.
	<i>Yuma County.</i>	
J. W. Dorrington.....		Yuma.
	<i>Northern District.</i>	
F. K. Ainsworth.....		
	<i>Southern District.</i>	
C. C. Stephens.....		

MEMBERS

OF THE

THIRTEENTH LEGISLATIVE ASSEMBLY.

House of Representatives.

NAME.	<i>Apache County.</i>	RESIDENCE.
J. D. Houck.....		Springville.
Luther Martin.....		St. Johns.
	<i>Cochise County.</i>	
W. F. Frame.....		Tombstone.
T. T. Hunter.....		Tombstone.
W. F. Nichols.....		Tombstone.
Hugh Percy.....		Tombstone.
D. K. Wardwell.....		Tombstone.
	<i>Gila County.</i>	
W. C. Watkins.....		Globe.
	<i>Graham County.</i>	
James Sias.....		Clifton.
	<i>Maricopa County.</i>	
J. S. Armstrong.....		Mesa City.
DeForest Porter.....		Phoenix.
	<i>Mohave County.</i>	
Wm. Imus.....		Quijotoa.
	<i>Pima County.</i>	
E. W. Aram.....		Tucson.
G. W. Brown.....		Tucson.
S. M. Franklin.....		Tucson.
E. W. Risley.....		State Line.
H. G. Rollins.....		Vogales.
	<i>Pinal County.</i>	
Levy Ruggles.....		Florence.
	<i>Yavapai County.</i>	
D. J. Brannen.....		Flagstaff.
J. A. Brown.....		
R. Connell.....		Prescott.
L. P. Nash.....		Tonto Basin.
W. H. Robbins.....		Alexandria.
	<i>Yuma County.</i>	
S. Purdy.....		Yuma.

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Acts.

ERRATA.

ACT 73.

Act 73, an Act to amend Section 10, of Chapter VI of Compiled Laws, entitled "Of County Treasurers," was signed by mistake, and is not a law of Arizona.

ACT 75.

In Act 75, line two, Section 24, figures twenty-five (25) should be twenty-three (23).

ACTS.

No. 1.

AN ACT

Providing for Intervention in Civil Actions.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any person who, in any civil action or proceeding, has an interest in the matter of litigation in the success of either of the parties or an interest against both, may, before the trial, intervene in such action or proceeding. An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint setting forth the grounds upon which the intervention rests, filed by leave of the Court and served upon the parties to the action or proceeding who have not appeared, who may answer or demur to it as if it were an original complaint.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved January 31, 1885.

No. 2.

AN ACT

To repeal an Act entitled "An Act to Suppress Vexatious Litigation," approved March 8, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That an Act entitled "An Act to Suppress Vexatious Litigation," approved March 8, 1883, be, and the same hereby is repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 2, 1885.

No. 3.

AN ACT

Authorizing the Board of School Trustees of School District No. 1, in the County of Pinal, to erect a school building in the town of Florence, in said district, and for the issuance of bonds therefor.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Board of Trustees for said School District No. 1, in the County of Pinal, is hereby authorized to erect a Public School Building in the town of Florence, in the said school district, at a cost not to exceed twelve thousand dollars.

SEC. 2. The Board of Supervisors of the said County of Pinal are hereby authorized and required at their first regular meeting after the passage of this Act to issue bonds of said county in such form and of the denomination of \$1,000 each, not to exceed in the aggregate the said sum of twelve thousand dollars, with proper interest coupons attached, payable ten years after the date of the issuance thereof, and to bear interest at the rate of ten per cent a year, the said interest payable yearly at the office of the Treasurer of said county on the 31st day of December of each year until said bonds are redeemed. The said bonds to be sold by the said Board of Trustees of said School District No. 1, from time to time, as said Board may deem proper, at not less than their par value, and the proceeds to be paid into the treasury of said county, and there to constitute a special fund to be called the Building Fund of School District No. 1, to be used in the erection of said school building as herein provided. And the said Board of Trustees shall render an account and report to the Board of Supervisors of all bonds sold and amounts received therefor, and shall pay all such amounts to the Treasurer of said county, for the uses and purposes by this Act provided.

SEC. 3. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board of Supervisors are hereby authorized and required, in addition to the amount of taxes now, or which may be hereafter, authorized by law to be levied and collected for other purposes, and at the same time and in the same manner that other taxes are levied and collected each year, a special tax of one-fourth ($\frac{1}{4}$) of one per cent on all taxable property in said School District No. 1, to pay the interest due or to become due on said bonds, and to provide a sinking fund for the payment and redemption thereof, at such time

and in such manner as the said Board of Supervisors may direct, the said taxes so levied and collected to be paid into the County Treasury of said county as other taxes, and to constitute a special fund for the payment of interest upon and the redemption of said bonds as herein provided.

SEC. 4. The County Treasurer of said County of Pinal, at the time of making the yearly assessment of private property in said county, and in the same manner, shall ascertain and enroll all taxable persons and property, and assess the same at its proper value, in the said School District No. 1, and he shall make a like return of said assessment to the Clerk of the Board of Supervisors as in case of the county, and like action shall be had in equalizing such assessment and the collection of said taxes provided herein, as in the case of county and territorial taxes, and if any of such tax shall become delinquent, the same proceedings shall be had as in case of other delinquent taxes.

SEC. 5. It shall be the duty of the County Treasurer of said County of Pinal, after the payment of the yearly interest on said bonds, as in this Act provided, to ascertain the balance remaining from the taxes so collected by virtue of this Act, and to set aside the same as a sinking fund for the redemption of said bonds, and whenever the same shall amount to more than one thousand dollars, the said Treasurer shall apply the same to the payment of said bonds, according to the priority of the numbers thereof, after giving due notice thereof to the holders of such bonds, by publication in some newspaper of said county for a period of thirty days, and such bonds shall cease to bear interest from the time of such notice.

SEC. 6. The bonds issued under the provisions of this Act shall be signed by the Chairman of the Board of Supervisors of said county, and countersigned by the Clerk thereof, with the seal of said Board affixed thereto, and delivered to the Treasurer of said county, and by him to the said Board of School Trustees of said School District No. 1, as the same may be required by the said Board of Trustees, and the said Treasurer of said county shall keep a register of said bonds, showing the number and amount of each bond, and shall charge himself with the full amount of all said bonds, and shall deliver to the said Board of School Trustees all said bonds or such part thereof as the said Board of Trustees may require under the provisions of this Act.

SEC. 7. It shall be left to the discretion of the said Board of School Trustees to sell, or cause to be sold, the said bonds as herein provided, or to sell the same in payment for the erection and building of said school house building, as the said Board of School Trustees shall deem most advisable in carrying out the objects of this Act; *provided*, that said bonds nor the money issuing from the sale thereof shall not be used for any other purpose than as in this Act provided. *And provided further*, that the printing of said bonds and the expenses of the plans and specifications of said school building may be paid out of the fund created by this Act, and if the said Board of School Trustees shall so order and direct.

SEC. 8. Upon the payment by the County Treasurer of any interest upon any of said bonds, he shall detach and cancel coupons equal to the amount so paid by him, and whenever said Treasurer shall pay any of said bonds he shall cancel the same, noting thereon the date of such cancellation, and such coupons and bonds so cancelled, as aforesaid, shall be the vouchers for the said Treasurer in his settlement with the Board of Supervisors as to his transactions under and by virtue of this Act.

SEC. 9. This Act shall take effect and be in force from and after its passage.

Approved February 6, 1885.

No. 4.

AN ACT

To provide for the payment of the expenses attending the examination of the Territorial insane at Stockton, California.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Territorial Auditor is hereby directed to draw his warrant in the sum of three hundred dollars in favor of Dr. F. K. Ainsworth on presentation of a certificate endorsed by the Governor, that said Dr. F. K. Ainsworth has visited, examined into, and reported upon the condition of the Territorial insane confined in the Pacific Asylum for the Insane of Dr. Asa Clark, at Stockton, California.

SEC. 2. The warrant so drawn shall be in lieu of the amount authorized to be paid by Joint Resolution No. 3 of the Twelfth Legislative Assembly, approved March 3, 1883; and so much of said Resolution as provides for the payment of one hundred and fifty dollars annually is hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 6, 1885.

No. 5.

AN ACT

Relating to the separate property of husband and wife.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The rents, issues and profits of the husband's separate property shall be his separate property, and the rents, issues and profits of the wife's separate property shall be her separate property.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 6, 1885.

No. 6.

AN ACT

To legalize certain Acts of the Mayor and Common Council of the City of Tucson.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That all Acts, resolutions, orders and ordinances passed by the Mayor and Common Council of the City of Tucson from the seventh day of March, A. D. 1883, until the fifth day of January, A. D. 1885, both days inclusive, be and the same are hereby ratified and declared to be legal, valid and binding for all purposes whatsoever

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 6, 1885.

No. 7.

AN ACT

To amend an Act, entitled "An Act authorizing the Board of Supervisors of Pima County to pledge the credit of the County to assist public enterprises," approved March 6, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 2 of an Act entitled "An Act authorizing the Board of Supervisors of Pima County to pledge the credit of the County to assist public enterprises," approved March 6, 1883, be and the same is hereby amended to read as follows :

§ 2. If the said Board of Supervisors shall deem it expedient at any time to issue bonds of the said county under the provisions of this Act, said bonds shall be of the denomination of one thousand dollars each, and shall bear such rate of interest, not exceeding the rate of seven per cent per annum, as shall be fixed by the said Board of Supervisors at the time of their issuance, who shall also provide when and how said interest shall be paid ; *provided, however,* that no bonds shall be issued except upon the result of an election called for that purpose, in pursuance of law, by the Board of Supervisors of Pima County, and upon publication of notice of such election in some newspaper printed and published within said County of Pima, and having a general circulation therein, at least once a week, for four successive weeks. And that no such election shall be held until at least thirty (30) days after the first publication of such notice. Such notice shall prescribe the polling places in each precinct of the county where such election shall be held, the form of the ballots therefor, which, among other things, shall read "Yes" or "No," and the purpose for which such election shall be called, and shall fix therein the day of such election. At such election none but duly qualified voters of this Territory and said county shall be allowed to vote, and a majority of all legal votes cast at such election shall decide the question submitted at such election. Said election shall be conducted under the general election law of this Territory so far as the same shall be applicable thereto ; and the Board of Supervisors of said county shall thereafter act in accordance with the result of said election. Said bonds shall be issued in the name of the county, and shall be made payable to the person or company in whose favor they are drawn, or to the bearer thirty years after their date. They shall be signed by the Chairman of the

Board of Supervisors and the County Treasurer of said county, and shall be countersigned by the Clerk of the District Court in and for said county, who shall affix to each bond the seal of said court. The services of the above named officers shall be without any compensation whatever other than their salaries while acting as such officers.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 7, 1885.

No. 8.

AN ACT

To provide for the disposition of certain unallotted lands within the town site of Globe.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Commissioners who have heretofore, under and by virtue of the provisions of Chapter VIII (8) of the Revised Statutes of the United States, and of Chapter LXXX of the Compiled Laws of the Territory of Arizona, have allotted and set off to the persons entitled to the same, according to their respective interests in the lots, squares, and grounds embraced within that certain tract of land lying and situate in the County of Gila, and containing six hundred and forty (640) acres, more or less, which has been duly surveyed, entered in the United States Land Office by said Probate Judge, for town site purposes, and has been by the United States conveyed to, for the benefit of the occupants thereof, and which is known as the Globe Town Site, and said Commissioners have levied the tax, as provided in Chapter LMI, and have made their final return to the Probate Judge, and from the plats and other papers connected with the proceedings of said Commissioners, which was by them returned with their final report to the Probate Judge, there remains embraced in the aforesaid town site unallotted lots and portions thereof.

SEC. 2. The Probate Judge of Gila County shall appoint three Trustees, whose qualifications shall be *bona fide* taxpayers and real estate owners within the town site of Globe, who shall constitute a body corporate, and shall be entrusted

with the care and custody of all vacant and unallotted lots and portions thereof, as provided in Section 1 of this Act.

SEC. 3. It shall be the duty of such Trustees, any two of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after their appointment, at such place as may be most convenient, and to organize by electing one of their number as Chairman, who shall call all meetings and preside over the same; also one of their number as Clerk, who shall keep a correct record of all transactions of said Trustees, in a book to be provided for that purpose, all of which shall be of public record; also one of their number as Treasurer, who shall be the custodian of all money belonging to said town site, and who shall give such reasonable bond to the Probate Judge as he may require.

SEC. 4. Said Trustees shall have full power to bargain and sell any or all of the aforesaid lots, or portions thereof, as provided in section 1 of this Act; *provided*, that such sale or bargain shall be in the best interests of the land owners in said town site; *and further provided*, that in case any dispute shall arise in regard to such sale or bargain, then a majority of the land owners within said town site shall determine such dispute.

SEC. 5. When the Trustees shall have sold or bargained any of the lots or portions thereof, as provided in section 4 of this Act, they shall give ten (10) days' notice of the same, either by posting in three (3) public places, or publishing in a newspaper within said Town of Globe; and if there be no objection they shall certify to such sale or bargain, designating the property sold, and to whom sold, and the consideration paid therefor, together with a copy of the aforesaid notice, to the Probate Judge, who shall, upon receipt of said certificate and notice, issue a deed duly executed and delivered to the party or parties therein named, as provided by Chapter LIII., Compiled Laws.

SEC. 6. Any vacancy which may occur in said Board of Trustees, from any cause whatever, shall be filled by the two (2) remaining Trustees and the Probate Judge, who shall take possession of all books, papers, money, or other property in possession of the Trustee so vacating, and turn them over to his successor in office.

SEC. 7. The aforesaid Trustees and the Probate Judge shall each receive a reasonable compensation for their services,

to be paid from any money belonging to said town site, by a warrant drawn upon the Treasurer, duly signed by the Chairman and countersigned by the Clerk.

SEC. 8. All money or other property accumulating from the sale of such lots or portions thereof, as provided in this Act, may be invested or donated in such manner as a majority of the land owners within said town site may deem proper.

SEC. 9. This Act shall take effect and be in force from and after its passage.

Approved February 7, 1885.

No. 9.

AN ACT

Amendatory of an Act entitled "An Act Amendatory to Chapter 48 of the Compiled Laws of the Territory of Arizona," entitled "Of Proceedings in Civil Cases," approved March 3, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 4 of an Act entitled "An Act Amendatory to Chapter 48 of the Compiled Laws of the Territory of Arizona," entitled "Of Proceedings in Civil Cases," approved March 3, 1883, be and the same is hereby amended so as to read as follows:

§ 28. The summons may be served by the Sheriff of the county where the defendant is found, or by his deputy, or by any person over the age of twenty-one years, not a party to the action and not interested therein.

A copy of the Complaint shall be served with the summons.

When the summons is served by the Sheriff, it must, within twenty days after service, be returned with his certificate of its service, and of the service of a copy of the Complaint, and the manner thereof, to the office of the Clerk of the Court from which it issued.

When it is served by any other person it must, in like manner and within the same time, be returned to the same place, with an affidavit of such person of its service and of a service of a copy of the Complaint.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 9, 1885.

No. 10.

AN ACT

To amend an Act entitled "An Act to prohibit the keeping of opium dens," approved March 3, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

- SECTION 1. That Section 5 of Act No. 44 of the laws of Arizona of 1883 be, and is hereby amended to read as follows:

§ 5. Any person or persons who violate any of the provisions of this Act shall, on conviction thereof, be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment.

SEC. 2. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 11, 1885.

No. 11.

AN ACT

Entitled An Act to Amend Section 312, Chapter 48, of the Compiled Laws of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section 312, Chapter 48, of the Compiled Laws of Arizona is amended so as to read as follows:

§ 312. An action may be brought by the Attorney-General, in the name of the Territory, upon his own information, or upon the complaint of a private party, against any person who usurps,

intrudes into, or unlawfully holds or exercises any public office, civil or military, or any franchise within this Territory; and it shall be the duty of the Attorney-General to bring the action whenever he has reason to believe that any such office or franchise has been usurped, intruded into, or unlawfully held or exercised by any person, or when he is directed to do so by the Governor; *provided*, that any person claiming such office or franchise may bring such action in his own name by applying for and obtaining leave of the Court or Judge for that purpose.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 16, 1885.

No. 12.

AN ACT

To give to the several Judges of the Judicial Districts of the Territory of Arizona, certain powers when sitting in chambers anywhere within their respective Judicial Districts.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That any Judge of the District Court may sit at Chambers, at any time, and place within his Judicial District, and while so sitting shall have the power—

First—To grant, dissolve, or modify temporary injunctions.

Second—To discharge attachments.

Third—To hear and determine applications for writs of mandamus, certiorari prohibition, and habeas corpus.

Fourth—To discharge such other duties, or to exercise such other powers, as may be conferred upon a Judge in contradistinction to a Court.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 16, 1885.

No. 13.

AN ACT

To amend an Act, entitled "An Act to Re-incorporate the City of Tucson." Approved March 7, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 1 of Article I of an Act, entitled "An Act to re-incorporate the City of Tucson." Approved March 7, 1883, be, and the same is hereby amended so as to read as follows :

ARTICLE I.

§ 1. The government of said city shall be rested in a Mayor and Common Council to consist of six members, a City Treasurer, a City Assessor who shall be City Collector, a City Recorder who shall also be City Clerk, a City Marshal who shall also be Chief of Police, a Commissioner of Streets and such policemen as the Mayor and Common Council may appoint, and such subordinate officers as the Mayor and Common Council may hereafter deem necessary to appoint. Neither the Mayor nor the members of the Common Council nor any subordinate officer of the City Government shall be interested directly or indirectly during their term of office in any contract pertaining to any of the departments of the city, and all contracts in violation of this provision shall be absolutely null and void at the election of the Mayor and Common Council.

SEC. 2. That Section 1 of Article III of said Act, be, and the same is hereby amended so as to read as follows :

ARTICLE III.

§ 1. On the second Monday of December, in the year 1885, and in each and every succeeding year a charter election shall be held, at which the legally qualified voters of said city shall elect the several respective officers as herein provided, viz. : a City Assessor, a City Treasurer, a City Recorder and a City Marshal. Each of whom shall hold his office for one year and until his successor shall be duly elected and qualified, unless removed as hereinafter provided. Three of the Council shall be elected annually, one from each ward, and one from the city at large at said Charter election, who shall be electors and residents of the wards in which they are chosen, and who

shall hold their offices for two years and until their successors are duly elected and qualified; and on the second Monday of December 1886, and in each and every alternate year thereafter, a Mayor shall in like manner be elected, who shall hold his office for two years and until his successor is duly elected and qualified.

SEC. 3. That Article IV of said Act, entitled "An Act to re-incorporate the City of Tucson," approved March 7, 1883, be and the same is hereby amended by adding thereto the following Section, to be known as "Section 8" viz:

§ 8 Each member of the Common Council shall receive as compensation for his services the sum of ten dollars per month, and the Mayor shall receive a salary of twenty dollars per month, to be paid in the same manner as the salaries of the city officials.

SEC. 4. That Section 1 of Article V of said Act entitled "An Act to re-incorporate the City of Tucson," approved March 7, 1883, be and the same is hereby amended so as to read as follows:

ARTICLE V.

§ 1. The Common Council shall not create, audit or allow, or permit to accrue any debt or liability in excess of the actual revenue of that fiscal year that may be applicable for such purpose, it being the intention of this Act, that the expenses of said city for each fiscal year shall be paid by the revenue of that year, and every debt created, audited, allowed or permitted to accrue in excess of the revenue of that fiscal year applicable for such purpose shall be null and void, except as hereinafter provided, and in order to enable the said City of Tucson to carry out the provisions of this Section, the said Mayor and Common Council, immediately after the organization of said Council as provided in Section 2, Article I of this Act, shall ascertain the outstanding indebtedness of said city up to January 1, 1883, and provide by ordinance for the issuance of bonds of the city for the amount of the same, with the proceeds of which bonds said indebtedness shall be paid. Said bonds shall be payable in such time as the Common Council may deem advisable, but shall not bear a greater interest than eight per cent per annum on the par value thereof.

SEC. 5. That Section 2 of Article X of said Act entitled "An Act to re-incorporate the City of Tucson," approved

March 7, 1883, be and the same is hereby amended so as to read as follows, viz:

§ 2. When there shall be a vacancy in the office of Mayor or the Mayor shall be absent from the city, or from other causes may be prevented from attending to the duties of his office, the Common Council shall appoint one of their number president pro tem. of the Common Council, shall be ex-officio Mayor of said city during such vacation, and shall in all respects be legally qualified to discharge the duties of such position. But when the Mayor resigns and his resignation is accepted by the Common Council, or if he be removed or be absent from the city for more than two months without leave of the Council, then and in that event the Common Council will elect one of their own number to be Mayor for the remainder of the term and until his successor is elected and qualified, and upon the election and qualification of any member of the Common Council so elected Mayor his seat in the Common Council shall be filled in the manner before provided in this Act.

SEC. 6. That Section 1 of Article XX of said Act entitled "An Act to re-incorporate the City of Tucson," approved March 7, 1883, be and the same is hereby amended so as to read as follows:

ARTICLE XX.

§ 1. Wherever in this Act publication of any notice or proceeding is required it is intended that such publication shall be had in a newspaper published in said city, but all ordinances, for the violation of which a penalty is attached, shall be published in a daily newspaper published in said city.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage; *provided, however*, that the present incumbent of the office of Chief of Police of said City of Tucson shall be deemed to be City Marshal, and shall be entitled to and hold said office of City Marshal until the next Charter Election in said city and until his successor has been elected and qualified.

Approved February 17, 1885.

No. 14.

AN ACT

To amend Section 186 of Chapter XI of the Compiled Laws of Arizona, entitled "Of Proceedings in Criminal Cases."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section 186 of Chapter XI of the Compiled Laws of Arizona, entitled "Of Proceedings in Criminal Cases," is hereby amended to read as follows :

§ 186. In the investigation of a charge for the purpose of either presentment on indictment, the Grand Jury shall receive no other evidence than such as is given by witnesses produced and sworn before them, or furnished by legal documentary evidence, or the deposition of witnesses taken as provided in this chapter. The Grand Jury are not bound to hear evidence for the defendant ; but it is their duty to weigh all the evidence submitted to them ; and when they have reason to believe that other evidence within their reach will explain away the charge they should order such evidence to be produced, and for that purpose may require the District Attorney to issue process for the witnesses.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 17, 1885.

No. 15.

AN ACT

To prohibit the use of obscene or abusive language in the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Any person who, in the presence or hearing of any woman or women, child or children, in any public place within the Territory of Arizona, shall use obscene or vulgar language, or who shall use vile or abusive epithets of or to any other person, in presence of any woman or women, child or children, shall, upon conviction thereof in any Justice's Court in this Territory, be fined not less than five dollars nor

more than fifty dollars, or imprisoned in the County Jail not to exceed fifty days, or by both such fine and imprisonment.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 17, 1885.

No. 16.

AN ACT

To amend Section 63 of Chapter 10 of the Compiled Laws of the Territory of Arizona, entitled "Of Crimes and Punishments."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 63 of Chapter 10 of the Compiled Laws of the Territory of Arizona is hereby amended so as to read as follows:

§ 63. Every person who, for his own gain, or to prevent the owner from again possessing his property, shall buy or receive stolen goods, or anything the stealing of which is declared grand larceny, or property obtained by robbery or burglary, of the value of fifty dollars or more, knowing the same to have been so obtained, shall, upon conviction, be imprisoned in the Territorial prison for a term not exceeding five years, or punished by a fine not exceeding one thousand dollars, or by both such fine and imprisonment; and every such person may be tried, convicted, and punished as well before as after the trial of the principal.

Persons receiving stolen goods, as hereinbefore set forth, of the value of less than fifty dollars, unless the felonious taking thereof shall be by law declared grand larceny, shall be punished as provided in cases of petit larceny.

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall be in force and take effect from and after its passage.

Approved February 17, 1885.

No. 17. AN ACT

To amend Section 114, Tenth Division, Chapter X of the
Complied Laws of the Territory of Arizona.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona :*

SECTION 1. That Section 114, Tenth Division of Chapter
X of the Complied Laws of the Territory of Arizona, be and
the same is hereby amended so as to read as follows :

§ 114. If any person shall maliciously or wilfully disturb
the peace or quiet of a neighborhood or family by loud or
unusual noises, or by tumultuous or offensive conduct, threat-
ening, traducing, quarreling, challenging to fight or fighting ;
every person convicted thereof shall be fined in a sum not
exceeding two hundred dollars, or imprisoned in the County
Jail not more than two months.

SEC. 2. All Acts and parts of Acts in conflict with the
provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and
after its passage.

Approved February 19, 1885.

No. 18. AN ACT

Making the Recorder of Gila County ex-officio Clerk of the
Board of Supervisors of said county.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona :*

SECTION 1. The Recorder of Gila County shall be ex-
officio Clerk of the Board of Supervisors of said county, and
shall receive for his services as such Clerk a salary of three
hundred dollars per annum, payable quarterly, in the manner
provided by law for the payment of the salaries of other
county officers.

SEC. 2. All Acts and parts of Acts in conflict with the
provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from
and after its passage.

Approved February 21, 1885.

No. 19.

AN ACT

Entitled, "An Act supplemental to an Act entitled to designate Holidays," approved March 12, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any promissory note, bank check, bills of exchange, acceptance or other negotiable instrument made payable at any future period, without grace, and which falls due on any of the days mentioned in Section 1 of an Act No. 98 of the Legislative Assembly of Arizona, entitled "An Act to designate holidays," approved March 12, 1881, shall be considered due and collectable on the day following, and be amenable to all the provisions of law as made and provided in such cases.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 21, 1885.

No. 20.

AN ACT

To amend Section 1 of an Act entitled "An Act to provide for licensing commercial travelers," approved March 7, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 1 of an Act entitled "An Act to provide for licensing commercial travelers," approved March 7, 1883, be and the same is hereby amended so as to read as follows:

§ 1. Every commercial traveler, agent, drummer, salesman or other person traveling from place to place, selling or offering to sell any goods, wares, clothes or merchandise of any kind to be delivered at some future time, or carrying samples and selling or offering to sell any goods, wares, clothes or merchandise of any kind similar to said samples, to be de-

livered at some future time, shall, before carrying on such business, pay license therefor of fifty dollars, as a Territorial license.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 21, 1885.

No. 21.

AN ACT

To amend Section 1 of an Act, entitled, "An Act to amend an Act, to provide for the incorporation of Religious, Social and Benevolent Societies, approved February 14, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 1 of an Act entitled "An Act to amend Section 8 of an Act, to provide for the incorporation of Religious, Social and Benevolent Societies," approved February 14, 1881, is hereby amended to read as follows :

§ 1. Any religious organization, any lodge of the Ancient Order of Free and Accepted Masons, or of the Independent Order of Odd Fellows, or of the Knights of Pythias, or of the Improved Order of Red Men, or of the Ancient Order of United Workmen, or of the Select Knights of the Ancient Order of United Workmen, in this Territory, may acquire and hold such property, real and personal, as may be deemed necessary by the proper authorities thereof, to carry out the fraternal, religious and charitable purposes of said organizations, or for the establishment and endowment of colleges, schools, libraries, cabinets, and literary and scientific purposes in said Territory, and for the necessary use and ceremonies of said organizations, *provided*, the value of said property held or owned by any one of said organizations shall not exceed the sum of fifty thousand dollars, and such organizations may sue and be sued, and have a common seal

and such other general powers as are guaranteed to corporations under an Act entitled, "An Act of General Incorporation," approved November 6, 1866, and all Acts amendatory thereof and supplemental thereto.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1885.

No. 22.

AN ACT

To permanently locate the County Seat of Mohave County.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the qualified voters of Mohave County shall, at the next general election designate by ballot the locality, town or village for the County Seat of said County.

SEC. 2. That at the next general election any voter may designate upon his ballot a place for the County Seat of Mohave County; and all such votes shall be received, counted and returned as other votes; and the place receiving the highest number of votes shall be the County Seat of Mohave County; *provided*, that the place so designated shall be Mineral Park or some place situated on the line of the Atlantic and Pacific Railroad within said County.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1885.

No. 23.

AN ACT

To prevent obstructions or impediments to travel or transportation upon the public roads of the Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. It shall not be lawful for any person or persons to willfully or negligently obstruct any post road or public highway in this Territory, by placing and leaving thereon or therein, any stone or stones, chock blocks, pieces or sticks of wood, or any impediment to transportation or travel upon or within the limits of any usually travelled road, post road or public highway within this Territory.

SEC. 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of no more than one hundred dollars or by imprisonment in the County Jail not exceeding one month, or by both such fine and imprisonment; and shall be further liable in a civil action, to the party injured, for all damages resulting and accruing from the placing and leaving of any such obstruction or impediment mentioned in Section 1 of this Act.

SEC. 3. All of the fines collected under and by virtue of this Act shall be paid into the hands of the County Treasurer of the county wherein the offense is committed, and shall be set apart to and paid into the School Fund of said county.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 5 This Act shall take effect and be in force from and after the first day of July, A. D. 1885.

Approved February 25, 1885.

No. 24.

AN ACT

To regulate unincorporated Acequias on the South side of Salt River, in Maricopa County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any person interested in any public or private acequia as tenant in common thereof, who shall neglect to furnish the number of laborers or pay the proper equivalent in money in proportion to his said interest in the acequia for repairs or necessary improvements, after five days' written notification by the overseer, proper officer, or majority of the co-owners or persons interested in said acequia, shall be liable to pay double the amount of the cost or expenses of performing said work as damages in any Court of competent jurisdiction; and it shall be the duty of any overseer, majority of co-owners, or persons interested, in case there is no overseer elected, upon such neglect or failure to perform such work for five days after written notification, to proceed to have said work performed, and such person or persons shall sue and recover in his or their own name double the amount of such charges and expenses, together with costs, and the performance of such work on such acequia shall form a charge and lien upon the interest in said acequia of the person so in default for the amount so to be recovered; *provided*, that the claimant shall file and record his notice of lien with the County Recorder, in conformity with the law respecting the liens of mechanics and others, and the cost and expense of recording shall be recovered with the amount of judgment; *and it is further provided*, that it shall be lawful for such person, in his name, to sue and recover such damages as by this Act are given him in the Justice Court, or any other Court of competent jurisdiction, and under an execution from said Court to sell the interest of the defendant in said acequia, and no transfer of said interest, after filing notice of lien, or after commencement of suit for the recovery of charges and expenses, together with costs and filing notice of such suit, with a description of the property to be effected thereby, in the office of the County Recorder, shall be effectual as against said claim, and upon said sale under execution. The Sheriff or other officer making the same shall give the purchaser thereof a proper conveyance of the interest of defendant.

SEC. 2. For neglect or refusal of any person or persons, corporation or company, whose duty it shall be to construct or maintain crossings wherever said acequia crosses any public highway, or usually traveled road of this Territory, for a period of five days, after being notified by the Road Overseer of the district in which any such crossing needs construction or repair is required, such person, corporation or company shall be guilty of a misdemeanor, and upon conviction thereof before a Justice of the Peace of any such precinct, or the nearest precinct thereto, shall be fined not less ten dollars nor more than one hundred dollars for the first offense, and not less than twenty-five dollars nor more than two hundred and fifty dollars, and the costs of prosecution, for each subsequent offense; *provided*, that, the said Road Overseer may, at his option, cause such necessary construction or repairs to be done, and may recover, in his own name, from the owner or owners of said acequia or ditch, double the amount of the expenses of such construction or repairs, as damages, for the use of said road district, together with costs, and for such amount he shall have a lien upon said acequia or ditch upon his filing notice thereof with the County Recorder, in pursuance of the Act relative to the liens of mechanics and others, and he is hereby empowered under this Act, under execution issued out of the Justice Court, or any other Court of competent jurisdiction, in which he may have recovered judgment to sell the said ditch, or the interest of the defaulting party therein, to pay the amount of damages so recovered, and no transfer of the interest in said ditch shall be effectual as against his rights; *provided*, that whenever such road or highway is constructed after the construction of such ditch or canal, it shall be the duty of the Road Overseer of the district to construct and maintain such crossings at the expense of the Road Fund of the District; *and it is further hereby provided*, that any private person or persons, corporation or company, allowing water to run upon any public highway or road from or off their land, and who shall fail, after five days written notice given them, served upon their agent or servant, and posted conspicuously on the land by the Road Overseer, to properly secure said water upon their land, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars for the first offense, and not less than fifty dollars nor more than two hundred and fifty dollars for each subsequent offense; *provided*, that the said Overseer may, at his option, cause the labor to be performed after five days notice given,

and recover double the amount of the expenses thereof as damages from the party in default, as heretofore provided in this section.

SEC. 3. It shall be the duty of the Company or Association to construct suitable gates in the main canal or acequia for the proper distribution of the water.

SEC. 4. It shall be the duty of the owner or owners, to provide suitable gates to receive the water from the main canal or acequias. Any person or persons using water without the proper gates, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than twenty dollars nor more than fifty dollars.

SEC. 5. It shall be unlawful for any person or persons to construct any dam, or in any way impede the free passage of the water in the main canal or acequias, except as hereinbefore provided. Any person or persons so offending, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than twenty dollars nor more than fifty dollars, to be recovered before any court of competent jurisdiction.

SEC. 6. It shall be the duty of the Overseer to set and regulate all the gates, giving all parties entitled thereto, a just and proportionate share of the water as near as may be. Any person removing the said gates, after being so set by the Overseer, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not more than one hundred dollars. The Overseer shall be a competent witness in the case. All suits shall be brought in the name of, and for the benefit of the Territory of Arizona.

SEC. 7. All Acts or parts of Acts, in conflict with this Act, in so far as they effect unincorporated acequias or irrigating canals on the south side of Salt River, in Maricopa county, are hereby repealed.

SEC. 8. This Act shall apply only to that portion of Maricopa county traversed by unincorporated acequias or irrigating canals on the south side of Salt River.

SEC. 9. This Act shall be in force from and after its passage.

Approved February 25, 1885.

No. 25.

AN ACT

To amend Section 247 of Chapter XI of the Compiled Laws, entitled "Of proceedings in criminal cases."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 247 of Chapter XI of the Compiled Laws of Arizona be, and the same is, hereby amended to read as follows:

"(661). § 247. If the defendant appear for arraignment, without counsel, he shall be informed by the Court that it is his right to have counsel before being arraigned, and shall be asked if he desires the aid of counsel. If the defendant desires counsel, and declares upon oath that he has no means to employ the same, the Court, in its discretion, may assign some member of the bar to that duty, to whom shall be allowed a reasonable compensation, to be determined by the Court, and paid on its order by the County Treasurer of the county wherein said trial is had, out of the General Fund of said county, upon a warrant ordered by the Board of Supervisors, and drawn and audited in the manner provided by law for the payment of other county indebtedness."

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1885.

No. 26:

AN ACT

Authorizing a loan on the faith and credit of the County of Yavapai, and to provide for the completion and repairing of a certain wagon-road in said county.

Be it enacted by the Legislative Assembly of the Territory of Arizona

SECTION 1. That a loan of four thousand (\$4,000) dollars is hereby authorized to be negotiated on the faith and credit of the County of Yavapai, in the Territory of Arizona, to be paid as hereinafter provided, and to bear interest at the rate of eight per cent per annum.

SEC. 2. The County Treasurer of the County of Yavapai is hereby authorized and directed, when called upon by the wagon-road Commissioners hereinafter provided, to issue bonds of the County of Yavapai in sums of one hundred and two hundred dollars each, payable as hereinafter stated, and not exceeding in the aggregate the sum of four thousand dollars.

SEC. 3. Said bonds shall bear the date of their issuance, numbered consecutively from one upward, and shall be signed by the said County Treasurer in his official character, which signing shall bind the County of Yavapai. Said bonds shall be drawn to the order of the Chairman of the Board of Supervisors of said County of Yavapai, and endorsed by him in his official capacity, and shall have the seal of said Board affixed thereto, coupons for the payment of the interest on said bonds shall be attached to each of said bonds, and each of said coupons shall be signed by said County Treasurer in his official capacity and countersigned by said Chairman of the Board of Supervisors.

SEC. 4. The interest on said bonds shall be paid annually on the second day of January of each year at the office of the County Treasurer, and the said bonds shall run and be payable in five years from issuance thereof.

SEC. 5. The said County Treasurer shall keep a register of all bonds issued by him and shall deliver said bonds to the wagon-road Commissioners hereinafter provided for, and said Commissioners shall sell and dispose of the said bonds as hereinafter directed, as at high a rate as possible and convert the said bonds into cash, provided that no bonds shall be sold or disposed of by them for less than ninety (90) cents on the dollar.

SEC. 6. The Board of wagon-road Commissioners shall consist of three persons, two of whom shall constitute a quorum for business; and J. R. Kilpatrick, Wm. Fain and Wm. Munds are hereby appointed said Commissioners; and they shall hold their office until the road is completed. In case of a vacancy, the Board of Supervisors of said county of Yavapai shall appoint one or more, as may be required, to constitute a full board.

SEC. 7. It shall be the duty of the said wagon-road Commissioners, within sixty days after the passage of this Act, to commence work for the completion of a wagon road, to com-

mence at the town of Flagstaff, in the said county of Yavapai, and shall run thence south via of Mund's ranch to Rattle Snake Tanks, and from thence by the most practicable and direct route to Beaver Head, and there connect with the Verde Valley Road. And as soon as such work has commenced, it shall be the duty of said Commissioners to prosecute the work of building and repairing said road to completion as speedily as possible.

SEC. 8. The said Board of wagon-road Commissioners are hereby authorized in constructing and repairing said road, to employ laborers by the day or month to perform the same, or to let the same by contract, as they may deem best. And the grade of such road shall be made in the most substantial manner.

SEC. 9. It shall be the duty of the wagon-road Commissioners to keep a correct account of all expenses incurred in the construction of said wagon roads and make a full report of the same, and of the money received from the sale of said bonds to the Board of Supervisors, as soon as the road is completed.

SEC. 10. Each of said wagon-road Commissioners, before entering upon the duties of office, shall give bonds in the sum of one thousand five hundred dollars, with one or more sufficient sureties, to the Territory, conditioned for the faithful performance of the duties of the office, which shall be approved by the Board of Supervisors and filed in the office of the County Treasurer.

SEC. 11. It is hereby made the duty of the Board of Supervisors of the County of Yavapai, at the time of levying the annual taxes, to estimate what sum will be required to meet the interest for the fiscal year on the then outstanding bonds authorized to be issued by this Act; and after making proper allowances for delinquencies in tax-payers, to levy a tax sufficient to pay such interest, and in the year 1890 the said Board of Supervisors at the time of levying the said annual taxes shall levy a tax sufficient to pay in addition to the interest aforesaid, the sum of Four Thousand Dollars, which sum shall be payment of the principal of said bonds; *provided*, however, that all levies required by this Section shall cease when said bonds have been paid, and, *provided*, further, that all surplus moneys arising from said levies shall be paid by the Treasurer yearly into the general fund of said County, to be disbursed as other moneys in said fund, and in case of a deficiency in said levies to make the aforesaid payments in this Section stated. The said Board of Supervisors upon the fact of said

deficiency being certified by the said Treasurer, shall direct by an order entered on its minutes, the said Treasurer to pay the same out of the said general fund.

SEC. 12. The County Treasurer of said County of Yavapai shall pay the interest on said bonds when due, taking the coupons as his vouchers therefor, and shall write the word "Cancelled" on the face thereof, which said coupons shall be the Treasurer's vouchers for the payment of the same and whenever the said Treasurer shall make payments of principal on said bonds he shall endorse the said payments on said bonds, and take a receipt from the person, or persons, receiving the payment; showing: First—The number and denomination of the bond. Second—The amount of principal paid and to whom paid, which said receipt shall be his voucher for such payment.

SEC. 13. This Act shall take effect and be in force from and after its passage.

Approved February 25, 1885.

No. 27.

AN ACT

To punish the unlawful disposal and sale of mortgaged personal property.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Any person having conveyed to another any personal property by chattel mortgage, or other instrument of writing having the effect of a mortgage or lien upon such property, who, during the existing of such mortgage or lien, with intent to defraud the holder of such mortgage or lien, shall sell, transfer, conceal, take, drive or carry away, or in any manner dispose of such property, or any part thereof, or cause or suffer the same to be done, and without the consent of the holder of such mortgage or lien, shall be guilty of a misdemeanor, and on conviction may be fined in a sum not exceeding twice the value of the property so sold or disposed of, or confined in the County Jail not exceeding six months, or both, at the discretion of the Court.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved February 27, 1885.

No. 28.

AN ACT

To amend Section 3 of an Act entitled "An Act to create and prescribe the duties of Attorney-General," approved March 7, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section 3 of an Act entitled "An Act to create and prescribe the duties of Attorney-General," approved March 7, 1883, is hereby amended to read as follows :

§ 3. When required in writing, the Attorney-General shall give his opinion in writing, without fee, to the Legislature or either House thereof, upon any question of law, and to the Governor, the Secretary of the Territory and all the Territorial officers and the District Attorneys of the several counties of the Territory upon any question of law relating to the duties of their respective offices.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 27, 1885.

No. 29.

AN ACT

To Amend Section 1 of an Act, entitled "An Act to create and prescribe the duties of Attorney-General," approved March 7, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section 1 of an Act entitled "An Act to create and prescribe the duties of Attorney-General," approved March 7, 1883, is hereby amended to read as follows :

§ 1. There shall be an Attorney-General, who shall be nominated by the Governor, and appointed by and with the advice and consent of the Legislative Council, and shall hold his office for the term of two years, and until the appointment and qualification of his successor; and he shall give a bond

to the Territory with security, to be approved by the Governor, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of the office; and he shall be paid an annual salary of one thousand dollars, by warrants, which the Auditor is hereby directed to draw in his favor on the Treasurer, in quarterly payments, payable out of the General Fund.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 27, 1885.

No. 30.

AN ACT

For the protection of live stock growers.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Animals, such as are usually branded, may be branded on either side with the owner's brand. All brands and vents shall be recorded in the county where the owner resides. No evidence of ownership by brands shall be permitted in any Court of this Territory unless the brands shall have been recorded as provided in this Act. Each drove of cattle or sheep which may be driven into or through any county of this Territory shall be plainly branded or marked, with one uniform brand or mark. The cattle shall be so branded with the distinguishing ranch or road brand of the owner as to show distinctly, in such place or places as the owner may adopt. Sheep shall be marked distinctly with such mark or device as may be sufficient to distinguish the same readily, should they become intermixed with other flocks of sheep owned in the Territory. Any such owner or owners, or person in charge of such drove which may be driven into or through this Territory, who shall fail to comply with the provisions of this Act, shall be fined not less than fifty nor more than three hundred dollars, at the discretion of the Court.

SEC. 2. Every person being the owner of cattle, horses, mules, hogs, sheep or goats, who uses an ear-mark, shall adopt an ear-mark differing from the ear-marks of his neighbors, and a brand differing from any other brand in the county.

SEC. 3. Any person desiring to use any brand and vent shall record with the Recorder of his county a *fac simile* of the brand and vent he desires to use, burned upon a piece of leather, and the same shall be kept in the Recorder's office, and the Recorder shall enter in a book, to be kept by him for that purpose, a copy of said brand and vents, and properly index the same in the name of the owner or owners of said brands, and from and after the filing of the *fac simile* of such brands as herein provided, the person filing the same shall have the exclusive right to use such brand and vent within such county, for the purpose of branding or venting any stock of the kinds mentioned in Section 2 of this Act, and any person or persons so desiring may, in the manner and with like effect, record his brand, vent or mark in any county of this Territory into which his stock are liable to stray, provided that such mark differs from his neighbors' and the brand has not heretofore been recorded in such county by some other person; and if the Recorder of any county shall for any person or persons record any brand, there being at the time of such recording a similar brand upon the records of his county, such Recorder shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than one hundred dollars; and provided, further, when two or more similar brands have heretofore been recorded in any county, the oldest record shall entitle the owner to the exclusive use thereof in such county.

SEC. 4. Any stock grower in this Territory desiring to use or adopt any ear-mark shall make and sign a certificate setting forth a description of the ear-mark he desires to use and shall file the same for record in the office of the Recorder of the county wherein he resides, and the Recorder shall record the same in the book in which he records the brands provided for by this Act; and from and after the filing of such certificate the person filing the same shall have the right to use such ear-mark for the purpose of marking any of the animals mentioned in Section 2 of this Act; and any person may in the same manner, and with like effect as herein provided, record his ear-mark in any county in this Territory into which his stock are liable to stray. Any person who shall knowingly and willfully adopt or use the recorded ear-mark of any of his neighbors shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than one hundred dollars.

SEC. 5. The ear-mark provided for in this act shall be made by cutting and shaping the ear or ears of the animal so marked; but in no case shall the person so marking any animal mentioned in this act mark the same by cutting both ears to a point, or cropping off more than one-third of either ear, and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

SEC. 6. Minors owning any of the kinds of animals mentioned in this Act, separate from those of the father or guardian, shall have a brand or ear-mark and brand which shall be recorded, and the father or guardian shall be responsible for the proper use of such mark and brand of any such minor.

SEC. 7. Cattle shall be marked with the ear-mark, or branded with the brand of the owner, before they are twelve months old. Hogs, sheep and goats shall be marked with the ear-mark of the owner, on or before becoming six months old.

SEC. 8. In all suits at law or in equity, or in any criminal proceeding when the title of any of the kinds of animals mentioned in this Act is involved, the brand on the animal shall be *prima facie* evidence of the ownership of such animal by the person whose brand may be upon it; *provided* such brand has been recorded as provided by law; proof of the right of any person to use such brand may be made by a copy of the record of the same, certified by the Recorder of the county or of any county in which the same is recorded under the hand and seal of office of such Recorder.

SEC. 9. No person shall hereafter use more than one brand or ear-mark for cattle nor more than one brand for horses or mules, but all brands and ear-marks now owned by or recorded in the name of any person in any county of this Territory, shall be and remain the property of such person, and it shall not be lawful for any other person to adopt or use the same, or for the Recorder of any county where such brands are recorded, to record the same in the name of any other person, and any Recorder violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

SEC. 10. Any person owning a duly recorded brand may make affidavit and submit the same to the County Recorder that a subsequently recorded brand, or a brand offered for record, may be used for the purpose of altering or adding to or defacing the brand of the affiant, or that such a brand so closely resembles the brand of the affiant that its use is likely to cause mistakes or disputes as to the ownership of cattle or other stock, and upon such affidavit being made and submitted to the County Recorder he shall immediately notify personally the claimant of the subsequently recorded brand of the contents of the said affidavit; and shall certify the said matter to the nearest Justice of the Peace who shall issue summons to the party whom it is alleged claims the subsequent recorded brand; and thereupon said Justice shall proceed under such summons as in other civil cases and to hear and determine the said matter and shall, when such judgment becomes final, certify the same to the County Recorder, who shall thereupon enter the record of such brand or brands in accordance with the said judgment, and any person, after having been notified as provided in this section, who shall use any brand which the County Recorder has canceled or refused to record under the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than three hundred dollars.

SEC. 11. The Board of Supervisors in each county in this Territory shall provide a judicial brand, to be used on all stock sold under execution, or by order of any Court.

SEC. 12. If any person shall brand or mark, or cause to be branded or marked, with his, her or their brand, or any other brand not the recorded brand of the owner, any animal being the property of another, or shall efface, deface or obliterate any brand or mark upon any animal, with intent to feloniously convert the same to his own use, any such person so offending shall be deemed guilty of grand larceny, and upon conviction thereof shall be confined in the penitentiary not less than one year nor more than ten years, and shall also be liable to the owner of such animals for three times the value thereof; and in no case shall the payment of the penalty herein mentioned entitle the person so branding, defacing or obliterating a brand to the property in the animal so branded, or upon which the brand was effaced, defaced or obliterated, but such animal shall be surrendered to the proper owner.

SEC. 13. When the stock of any resident shall intermix with any drove of animals it shall be the duty of any drover or person in charge to cut out and separate such stock from said drove, without unreasonable delay, and drive such animals back to the place of intermixing, except in the case of sheep and horses which shall be driven to the nearest suitable corral to be separated. Any person, either owner, drover or otherwise, connected with the management of such drove, who shall neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding three hundred dollars or by imprisonment not exceeding six months in the county jail, or by both such fine and imprisonment.

SEC. 14. Any person or persons, not being the owner or owners, or having the right of possession of any animal or animals, who shall be found feloniously driving or leading any such animal or animals from its or their usual ranges with intent to steal the same, shall be deemed guilty of and punished as for grand larceny.

SEC. 15. When the stock of any resident of this Territory shall be driven off its range without the owner's consent by the drover of any herd or drove of any kind of animals, every person engaged as drover of such stock or animals, or otherwise engaged in the care and management thereof, shall be deemed guilty of grand larceny, and shall be liable to the owner of such stock so wrongfully driven off of its range in the sum of three times the value of the property so driven off, and the costs of the prosecution, as damages, together with all costs occurring in collection of said damages in any suit brought to recover the same, and said herd or drove of stock, or a sufficient number, shall be held liable for all damages and costs.

SEC. 16. No person shall be allowed, at any time or under any circumstances, to run or drive cattle from the farm, the ranch or range of another unless by permission of the person in charge of the farm, ranch or range from which he desires to drive; *provided, however*, the owner of cattle may drive his own cattle from the farm, ranch or range of another, upon his giving personal notice thereof to the person in charge of such farm, ranch or range at the time of making such run or drive.

SEC. 17. Any person owning or having charge of any drove of cattle, horses, mules, sheep, goats or hogs, who shall

drive the same into or through any county of the Territory where the land in such county is occupied by ranchers, it shall be the duty of such owner or person in charge of such cattle, horses, sheep, mules, goats or hogs to prevent the same from mixing with the cattle, horses, mules, sheep, goats or hogs belonging to the actual settlers, and also to prevent such drove of cattle, horses, mules, sheep, goats or hogs from trespassing on such lands as may be the property of or be in the possession of any actual settler and used by him for grazing of animals, or the growing of hay or other crops; if any owner or person in charge of any such drove of stock shall willfully injure any resident of this Territory by driving such drove of stock from the public highway and herding the same on lands occupied by settlers in possession of the same, or if he shall negligently allow such drove of stock to wander from the highway and do injury as aforesaid, it shall constitute a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, and render the owner or person in charge of the drove of stock so trespassing, liable for the damages done to such settler.

SEC. 18. Any citizen or resident of this Territory, or corporation organized or doing business under the laws of this Territory, who makes the first appropriation and use of the water of any spring, stream or tank of water on the public lands of this Territory, and who has improved the same by excavating the spring, or diverting the water of the stream or tank, and is appropriating the water of such spring, tank or stream, and is using the same for some beneficial or useful purpose, or who has dug a well or wells on the public lands and obtained water therein and is using the same, shall be protected in the peaceable possession and use of the water of such spring, stream, tank or well, so long as such citizen, resident or corporation continues to use and appropriate the same.

SEC. 19. The owner or person in charge of any scrub bull or mustang stallion that may be objectionable to the party on whose range it has strayed shall be required, upon five days' written notice, to remove said bull or stallion within five days thereafter from the ranch, range or farm of the person giving such notice, and if the owner fails to remove such bull or stallion, then the person upon whose ranch, range or farm such bull or stallion has strayed shall have the privilege of castrating such bull or stallion, or if such bull or stallion is permitted to stray on the same ranch, range or farm three times

in one month after the first notice to remove said bull or stallion has been given, then the owner of said ranch, range or farm upon which such bull or stallion has strayed shall or may castrate such bull or stallion without further notice.

SEC. 20. Any person or persons who may skin or remove from the carcass any part of the hide of any neat cattle found dead, without the permission of the owner, shall be deemed guilty of larceny, and on conviction shall be punished as provided by law for the punishment of petit larceny; *provided*, nothing herein shall be deemed to prevent the skinning of animals killed by railroad companies, by the employees of any railroad company by which such stock may have been killed; *provided, further*, that the skinning of stock killed by railroad company employees shall be after notice has been given to the owner of said stock of the killing thereof.

SEC. 21. Any person who shall feloniously steal, take, carry away or embezzle, or knowingly kill, sell, drive, ride or lead away, or in any manner feloniously deprive the owner of the immediate possession of any neat cattle, horse, mule, sheep, goat, swine or ass, or any person who shall steal, embezzle or feloniously kill, sell, drive, lead or ride away, or in any manner feloniously apply to his own use any neat cattle, horse, mule, goat, sheep, ass or swine, the owner of which is unknown, or any person who shall willfully and feloniously purchase from any one not having the lawful right to sell and dispose of the same, any neat cattle, horse, mule, sheep, goat, ass or swine belonging to another, shall be deemed guilty of grand larceny, and on conviction shall be punished by imprisonment in the Territorial Prison not less than one year nor more than ten years, and by fine not less than five hundred dollars nor more than five thousand dollars, in the discretion of the Court; *provided, however*, this section shall not apply to persons taking up any of the kinds of animals mentioned in this section under the estray laws of this Territory.

SEC. 22. Any person or persons who may sell or offer for sale or trade any neat stock upon which such person or persons have not their recorded brand, or for which the person so offering has neither bill of sale nor power of attorney from the owner of such stock authorizing such sale, shall be deemed guilty of grand larceny, unless such person, upon trial, shall establish and prove that he was at the time the actual owner of such stock so sold or traded or offered for sale or trade, or that he acted by the direction of one shown

and proven to be the actual owner of such stock, and in prosecution for a violation of this section the fact of such selling, trading or offering for sale or trade, contrary to the provisions of this section, when proven, shall be sufficient to authorize a conviction, unless the accused shall, by testimony, explain the case made by the Territory in a manner consistent with good faith and innocent purpose.

SEC. 23. All cases which are by this Act declared to be larceny, and in all cases of felonious stealing, taking, riding, driving, leading or carrying away of any animal or animals mentioned in this Act, the same shall be grand larceny, without regard to the value of the animal or animals, and the offender or offenders, upon conviction, shall be sentenced to the Territorial Prison for a term of not less than one year nor more than ten years, unless otherwise provided in this Act.

SEC. 24. No person or persons, whether as principal or agent, shall hereafter sell or otherwise dispose of any neat stock, nor shall any person or persons, whether as principal or agent, buy, purchase or otherwise receive any such stock, unless the person or persons so selling or disposing of any such stock shall give the person or persons buying, purchasing or otherwise receiving any such stock, and the person purchasing shall take a bill of sale in writing of the stock so sold or disposed of, or so bought or purchased or otherwise received, as the case may be, which bill of sale shall set forth the number of animals sold or purchased, together with all of the marks and brands on each of such animals, and which bill of sale shall be witnessed by one witness, resident of the county where the sale is made, and the person selling shall be required to vent the animals sold at the time of the actual delivery of the same to the purchaser; *provided, however,* that any person may sell or dispose of any of the kinds of animals mentioned in this Act as they run in the range, by sale and delivery of the brands and marks without giving the number of animals sold, or without being required to vent the same or make actual delivery thereof other than by a general bill of sale, but in every such sale the party selling shall acknowledge the bill of sale as conveyances of land are acknowledged, and the purchaser, in order to acquire title, shall have his bill of sale recorded in the office of the County Recorder, in a book to be kept by him for that purpose; *provided,* that in all cases where cattle are sold for slaughter or to be shipped away from the Territory, it shall be at the option of either buyer or

seller as to whether or not such cattle shall be vented or marked, but if the purchaser shall remove the cattle so purchased from their usual range without having the same vented or marked, and any of such cattle should stray or be lost during the drive, it shall not be lawful for the purchaser to return to the range from which such cattle were purchased and driven, for the purpose of claiming any cattle as the cattle so strayed or lost.

SEC. 25. Every person, before he shall set up or carry on the trade or business of butchering or slaughtering horned cattle, sheep, swine or goats in this Territory, shall file annually a bond with the County Recorder in the county where such trade or business is to be carried on, which bond shall run in the name of the Territory of Arizona, and shall be executed by at least one good and sufficient surety besides the principal, which shall be approved by the Chairman of the Board of Supervisors or by some Justice of the Peace of such county, and shall be in the sum of one thousand dollars and conditioned that he shall, for a period of one year from the date of such bond, keep a true and faithful record, in a book kept for that purpose, of all cattle purchased or slaughtered by him or them, with a description of all animals so purchased or slaughtered, including all of the marks, brands, age and weight of such animals, the name of the person from whom purchased and the date of such purchase, and to keep the hide, with the ears attached and un mutilated, of each animal butchered or slaughtered by him free to the inspection of all persons for a period of ten days after it is slaughtered or butchered, and that he will, at the end of each month, make a true and correct copy of the record required to be kept by this section, under oath, and file the same in the office of the County Recorder of such county, and for filing the same the County Recorder shall receive the sum of twenty-five cents.

SEC. 26. Every person who shall be found carrying on the business of butcher or slaughterer in this Territory, failing to comply with the provisions of the preceding section of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty dollars nor more than one hundred dollars for every day he shall so fail to comply with said section, to be recovered before any Justice of the Peace of the proper county or by indictment in the District Court.

SEC. 27. Every rancher or other person not engaged in the business of butchering or slaughtering horned cattle in this Territory, who may slaughter or butcher any horned cattle in this Territory shall keep the hide, with the ears attached and unmutilated, of all animals butchered or slaughtered by him or them free to the inspection of all persons for a period of twenty days; any person or persons failing to comply with this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

SEC. 28. The record provided for in Section 25 of this Act shall be open at all times to the inspection of all persons, and the hide, with ears attached and unmutilated, of all horned cattle killed, slaughtered or butchered, shall also be kept for the inspection of all persons for the period mentioned in said section, and any butcher, slaughterer, rancher or other person who has slaughtered or butchered any horned cattle who shall refuse to permit such inspection or examination shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

SEC. 29. In all cases where fines are imposed on any person for a violation of any of the provisions of this Act, the person convicted may be imprisoned in the county jail until such fine and costs of the prosecution are paid. Such imprisonment, however, shall not be for a longer period than thirty days, except when otherwise provided by this Act.

SEC. 30. All fines collected under the provisions of this Act shall be paid into the County Treasury of the proper county, and shall constitute part of the school fund.

SEC. 31. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 32. This Act shall take effect and be in force from and after its passage.

Approved February 27, 1885.

No. 31.

AN ACT

To regulate the ownership of real property within this Territory by aliens.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That any alien may acquire by purchase or operation of law, and possess, hold, own and dispose of any mines or mineral lands within this Territory, and may work, operate and develop any such mines or mineral lands, and may acquire as aforesaid and hold, own and dispose of any other real estate within this Territory which such alien may deem necessary or convenient for the purpose of mining, milling, smelting, reducing or working ores or carrying on any other business incidental to mining operations, or for manufacturing, commercial, agricultural or grazing purposes. *Provided*, that no alien shall acquire, hold, own or possess, at any one time, more than three hundred and twenty acres of real estate, exclusive of mines and mineral lands or land necessary or convenient for milling, smelting, reducing or working ores, or for any other business incidental to mining operations.

And if such alien shall die intestate, all property that he may die owning or possessed of shall descend to his heirs, in accordance with the provisions of Chapter XXVI of the Compiled Laws of this Territory, entitled "Of Title to Real Property by Descent."

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved February 28, 1885.

No. 32.

AN ACT

To fund the debt of Mohave County, and to provide for the payment of the same.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That a loan of forty-five thousand dollars is hereby authorized to be negotiated on the faith and credit of the County of Mohave, Territory of Arizona, to be paid at

the several times, and in the manner hereinafter provided, with interest thereon at the rate of 10 per cent per annum, from the date of such bonds; both principal and interest payable in gold coin of the United States, but in no case, shall said bonds bear interest, nor shall any interest be paid thereon for any time before the delivery thereof by the Funding Commissioners to the purchased or purchasers as hereinafter provided.

SEC. 2. The County Treasurer of the County of Mohave is hereby authorized and directed at the several times hereinafter specified, to prepare and cause to be prepared, and to issue forty-five (45) bonds of said county in sums of five hundred (\$500) dollars each, and ninety (90) bonds of said county in sums of two hundred and fifty (\$250) dollars each, and numbered from one (1) to one hundred and thirty-five (135) inclusive, payable on or before fifteen (15) years from the date hereof, and not exceeding in the aggregate the principal sum of forty-five thousand (\$45,000) dollars, in the following form, to wit:

Bond No..... \$......

Mohave Redemption Fund Bond.

.....day of..... 1885.

On or before fifteen years after date, the County of Mohave, Territory of Arizona, promises to pay to the bearer..... dollars, with interest thereon at the rate of ten per cent per annum from date, according to the coupons hereto attached, payable semi-annually on the first Monday of January, and on the first Monday of July, at the treasury of said County of Mohave, principal and interest payable in gold coin of the United States, for value received.

{ Seal of the Board of
Supervisors of
Mohave County. }

.....

Chairman Board of Supervisors.

.....

.....

Funding Commissioners.

shall have received the same for said bonds to said County Treasurer of said Mohave County.

SEC. 8. As soon as said Treasurer shall have received said funds he shall proceed to redeem and pay the said warrants of said County of Mohave, or so many and such part thereof as shall be legally due and payable, or which the said county shall then have the legal right to call in, pay and discharge, and to that end the said County Treasurer shall advertise and give notice, by publication in some newspaper published in said County of Mohave, for a period of fifteen days, that he has funds to pay and is ready and willing to pay upon presentation to him the said warrants, principal and interest, which are then outstanding and remaining unpaid; and said Treasurer shall further state in such notice that the interest on said warrants will not be paid for any time after fifteen days from the first publication of said notice.

SEC. 9. Interest shall cease upon all of said warrants which shall, at the expiration of fifteen days from the first publication of the notice mentioned in the last Section, and which shall be due and payable, or which by the terms thereof, or the laws under which they were issued; the said County of Mohave shall then have the legal right to call in, pay and discharge.

SEC. 10. Said Funding Commissioners shall promptly receive a compensation of eight hundred (\$800) dollars for the performance of the services required of them by the provisions of this Act, to be paid by the County Treasurer upon warrants drawn by the Board of Supervisors of said county; and said Commissioners shall conclude their labors under this Act within five months from and after the passage thereof, and said County Treasurer shall receive one-half of one per cent on all moneys arising from the sale of bonds received and disbursed by him under this Act, as sole compensation therefor.

SEC. 11. In case of removal for cause, or by resignation, non-residence, or death of said Commissioners or either of them, the vacancy, or vacancies, shall be filled by appointment made by the Probate Judge, County Treasurer and Chairman of the Board of Supervisors of said County, or a majority of them.

SEC. 12. The expense of engraving, printing and preparing the bonds hereby authorized to be issued shall be paid by

the Treasurer of said County upon a warrant drawn by the Board of Supervisors upon the general fund of said County.

SEC. 13. For the payment of the interest of the bonds issued under the provisions of this Act, the said Board of Supervisors of Mohave County are hereby authorized, and it shall be their duty and they are hereby directed in addition to the amount of taxes otherwise required by law to be levied, to annually, for ten years after the issuance of said bonds, and in the same manner and at the same time of levying the other taxes, they levy a tax of fifty cents on each one hundred dollars of the taxable property of Mohave County, and from and after the expiration of said ten years, and until the said bonds, both principal and interest, have been fully paid, there shall be levied annually upon the taxable property in the said Mohave County, a sufficient sum upon each one hundred dollars to pay at least the semi-annual interest on said bonds by this Act authorized to be issued, and twenty per cent of the amount of the principal of said bonds to the end, purpose and intent that the whole amount of the principal and interest of the said bonds shall be fully paid and redeemed within fifteen years from and after the date of issuance thereof.

The tax so levied and collected shall, by the Treasurer of said County of Mohave, be placed to a fund to be denominated the "Mohave County Redemption Fund," and the moneys so placed to said fund are hereby appropriated, and they shall be applied as designated and provided in this Act, and shall be used for no other purpose whatever.

SEC. 14. The said Treasurer shall out of said "Mohave County Redemption Fund," pay on the first Monday of January, and on the first Monday of July, in each year, the interest which shall then have accrued upon the said bonds then remaining outstanding and unpaid; and upon payment by said Treasurer of any interest upon any of said bonds, he shall require the coupons representing the interest paid to be detached and surrendered to him; and he shall endorse across the face thereof the date; when he received the same, and the amount paid therefor; and the same shall be retained in his office and be the voucher of said Treasurer therefor.

SEC. 15. Whenever there shall have accumulated in said "Mohave County Redemption Fund" the sum of five hundred dollars in excess of the interest due and payable upon all outstanding bonds issued by virtue of this Act for the year in which such excess shall have occurred, the County Treasurer

of said County shall advertise for the surrender of the bonds then outstanding, by publishing a notice in some newspaper published in said County, if there be any, and by posting notices in at least three public places in said County; if no newspaper be published therein, for the period of fifteen days which advertisement or notice, as the case may be, shall specify the sum of money then in his hands applicable to the payment of bonds equal to the money in his hands, with the interest thereon, which bonds so called for surrender shall be those bearing the lowest number of the said bonds then outstanding. Said Treasurer shall further state in said advertisement or notice the numbers of the outstanding bond or bonds he is ready to pay and cancel, and the interest on such bond or bonds shall cease fifteen days from the first publication of such notice.

SEC. 16. That as soon as the said debts of the said county of Mohave herein mentioned shall have been funded under the provisions of this Act, the warrants of said county which shall thereafter be drawn shall bear interest at the rate of ten per cent per annum, and no more, after their presentation to the Treasurer of said county and payment refused, until they shall be paid.

SEC. 17. Before receiving any moneys derived from the sale of bonds under this Act, the County Treasurer shall execute to the Board of Supervisors of Mohave County, Arizona Territory, such bond, in addition to his present official bond, as said Board of Supervisors shall deem necessary for the full protection of said county.

SEC. 18. In case of the inability of the said Funding Commissioners, within ninety days after the passage of this Act, to make a sale of the bonds as provided in this Act, they are hereby authorized and directed, within sixty days next thereafter, upon application to them by any person or persons holding any of said warrants of said County of Mohave, and upon surrendering the same to said Commissioners, to deliver to said person or persons a sufficient amount and number of said bonds, in this Act authorized to be issued, amounting to the principal and interest then due on said warrants; *provided*, the principal and interest of said warrants shall equal in amount to one or more of said bonds.

SEC. 19. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 20. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 33.

AN ACT

To amend Section 8 of Chapter XLV of the Compiled Laws of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section 8 of Chapter XLV of the Compiled Laws of the Territory of Arizona is hereby amended to read as follows:

§ 8. The presence of two Justices shall be necessary for the transaction of business, and the concurrence of two Justices shall be necessary to pronounce a judgment. If two do not concur the case shall be reheard. *Provided*, that no Justice shall hear, consider, determine or adjudge, or participate in hearing, considering, determining or adjudging in the Supreme Court any case heard, determined or adjudged by him in the District Court.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be engrossed from and after its passage.

Approved March 2, 1885.

No. 34.

AN ACT

To amend Chapter LX of the Compiled Laws of the Territory
Arizona.

*Be it enacted by the Legislative Assembly of the Territory of
Arizona :*

SECTION 1. That Section 1 of Chapter LX of the Compiled Laws of the Territory of Arizona be amended so as to read as follows :

§ 1. Any citizen, resident householder, in any county in this Territory, on finding an astray horse, mare, mule, jack or jenny, or neat cattle, upon his farm or premises, who shall take up the same, shall, at any time within sixty days from the finding of the same, go to the Justice of the Peace residing nearest to the neighborhood in which the animals were found, make oath that he has made diligent inquiry throughout his neighborhood to ascertain the ownership of such estrays, and that he has also put up, ten days previously, a written notice in one or more of the most public places in his county, setting forth all the information in his possession concerning the said animals, and embracing a description of the marks and brands thereof, and he shall also, at the same time, make oath that the marks and brands of said animals have not been altered since they came into his possession, and that the owner or owners are unknown to him.

SEC. 2. That Section 8 of Chapter LX of the Compiled Laws of Arizona be amended so as to read as follows :

§ 8. No person taking up an animal under this Chapter shall ride, work, use, sell or dispose of the same in any manner, or remove the same from the county in which it was posted, until after the expiration of six months from the posting, and until the payment of the one-half of the appraised value into the County Treasury, and any person so offending, or who shall fail to comply with the provisions of Section 1 of this Act, shall be deemed guilty of larceny, and punished accordingly.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 35.

AN ACT

To prevent the introduction of diseased cattle into the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. It shall be unlawful for any person or corporation to drive or transport or cause or procure to be driven or transported into the Territory of Arizona, any cattle which are or within twelve months prior to their introduction into this Territory have been affected with or exposed to any contagious or infectious disease, or which within such period have been driven or transported from or through any district of country where such disease was known to exist at the time of such driving or transporting, or without the certificate of the inspector of cattle, as hereinafter provided, being first obtained, *provided, however*, that cattle that are in transit in cars through the Territory shall not be liable to the inspection provided for in this Act.

SEC. 2. The Governor shall appoint, at such convenient points as he may deem proper within the Territory, and as near as possible to the frontier, inspectors of cattle, who shall first be recommended by the stock association of his district, whose duty it shall be to inspect all cattle destined for introduction into the Territory, and to ascertain whether any of such cattle are or have been infected with or exposed to any contagious or infectious disease, or have been driven or transported from or through any district of country where such disease was known to exist, as mentioned in Section 1 of this Act, and for this purpose he may require affidavits of the persons in charge of such cattle as to all the facts connected with their driving or transporting.

SEC. 3. If, upon such inspection and investigation, such inspectors shall be satisfied that such cattle are free from contagious or infectious disease, and are otherwise proper to be admitted under the provisions of Section 1 of this Act, he shall give to the person in charge of such cattle a certificate to this effect, and if not so satisfied he shall refuse to give such certificate.

SEC. 4. The said inspectors shall hold their office during the pleasure of the Governor and shall be entitled to receive

twenty cents per head for all cattle inspected not exceeding 500 head at one time, and for any excess above 500 head in the same herd or lot, ten cents per head, and ten cents per mile for the distance necessarily traveled, estimated by the nearest traveled practicable route, in going from their usual place of abode to the place of inspection, such fees and mileage to be paid by the owner of the cattle before the delivery of the certificate of inspection; and in case a certificate is not given they may be recovered by the inspector from the owner in a civil action; for any unlawful overcharge for fees and mileage, said inspectors or deputies shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine not more than one hundred dollars or by imprisonment not more than thirty days, or by both such fine and imprisonment, and shall further forfeit to the party injured three times the amount of such overcharge.

SEC. 5. For the purpose of taking the affidavits, in Section 2, of this Act, the inspector shall have the power to administer oaths, and any person who shall swear falsely in such affidavit shall be deemed guilty of perjury.

SEC. 6. The provisions of this Act shall apply to shippers as well as owners of cattle, and the certificate of inspection shall not relieve them from liability, either criminal or civil, for the introduction of cattle contrary to the provisions of Section 1 of this Act.

SEC. 7. The inspector so appointed as above provided, shall before entering upon the duties of his office, enter into a good and sufficient bond with not less than two good and sufficient sureties in the sum of five thousand dollars, that he will faithfully perform the duties of such inspector to the best of his skill and ability. Such inspector may appoint one or more deputies for whose acts he shall be responsible. Said inspector and each deputy by him appointed, shall, before entering upon the duties required of them by this Act, take and subscribe an oath to faithfully perform the duties required of them by this Act.

SEC. 8. Every person having in charge cattle destined for introduction into this Territory whether as owner or carrier, or as agent of either, shall at least three days, if to be brought in by rail, or five days if said cattle are to be driven in beforehand, notify the inspector nearest the proposed point of entrance to the Territory of the time and place, when and where such

cattle will be ready for inspection, which place shall be beyond the boundary line of the Territory, and he shall hold the cattle at the place so designated at the expense of such owner until inspected.

SEC. 9. Any inspector who shall knowingly give a false certificate, or shall without good cause under this Act, refuse to give a certificate of inspection, or shall willfully delay in making inspection when notified, shall be deemed guilty of a misdemeanor and shall be liable to the injured party for damages arising from such refusal or delay.

SEC. 10. Any person or corporation who shall violate the provision of Section 1 of this Act, shall be punished by a fine of \$5,000 for each offense, to be imposed by the Court in conviction upon indictment or information, or to be recovered as a penalty by the Territory in a civil action, and shall also be liable for all damages resulting therefrom. Each lot or herd of cattle unlawfully brought into the Territory shall constitute a separate offense; *provided*, that nothing in this Act shall be taken or held to repeal any of the provisions of an Act entitled "An Act to prevent the introduction of cattle from infected districts into the Territory of Arizona." passed at this session of the Thirteenth Legislative Assembly.

SEC. 11. This Act shall take effect and be in force thirty days from and after its passage.

Approved March 2, 1885.

No. 36.

AN ACT

In relation to Sheriff's Deeds for property sold under execution.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The respective Sheriff's of the several counties of this Territory are hereby authorized and empowered to make and deliver to the purchaser or his vendee or successor in interest all necessary Sheriff's Deeds and conveyances for property sold under execution or other lawful process of Court, by their respective predecessors in office, in all cases where the time for redemption has fully expired and no deed

or conveyance was made by such predecessor while in office, and all deeds and conveyances made by authority of this Act shall have the same force and effect as if made by the Sheriff who made the sale.

SEC. 2. For making such deed or conveyance the Sheriff shall be entitled to receive the fees now allowed by law for making a Sheriff's Deed.

SEC. 3. This Act shall take effect and be in force from and after the day of its passage.

Approved March 2, 1885.

No. 37.

AN ACT

Entitled An Act to amend Section 25 of Chapter LI of the Compiled Laws of the Territory of Arizona, entitled, "Of General Incorporations," approved November 6, 1866.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 25 of Chapter LI of the Compiled Laws of the Territory of Arizona, entitled, "Of General Incorporations," approved November 6, 1866, is hereby amended to read as follows:

§ 25. It shall be the duty of any association, company or corporation organized or incorporated under the laws of any other State or Territory or foreign country for the purposes of engaging in or carrying on any enterprise, business, pursuit or occupation, or acquiring, holding or disposing of any property within this Territory, to file with the Secretary of this Territory and the County Recorder of the county in which such enterprise, business, pursuit or occupation is proposed to be located, or is located, the lawful appointment of an agent, upon whom all notices and processes, including service of summons, may be served, and when so served shall be deemed taken and held to be a lawful personal service on such association, company or corporation for all purposes whatsoever. Such agent shall be a *bona fide* resident of the county in which his appointment shall be filed, and any such association, company or corporation failing to comply with

the provisions of this section shall be disqualified and incompetent to prosecute or defend or appear in any action in any court of or within this Territory. And upon complying with the provisions of this section, any association, company or corporation organized or incorporated under the laws of any other State or Territory, or any foreign country, shall be qualified and competent to take, receive and acquire, either by purchase or by operation of law, and possess, own, hold and dispose of any and all kinds of real and personal property within this Territory, and to prosecute and defend and to appear, specially and generally, in any action in any court of or within this Territory, and shall have, hold and enjoy, except as hereinafter provided, the same rights and privileges as are now held and enjoyed, or that may be hereafter held and enjoyed by any association, company or corporation organized or incorporated under the laws of this Territory; *provided*, no association, company or corporation organized or incorporated under the laws of any foreign country shall take, receive, acquire, possess, hold or own, at any one time, more than three hundred and twenty (320) acres of real estate, exclusive of mines and mineral lands and land necessary or convenient for milling, smelting, reducing or working ores, or for manufacturing or commercial purposes.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 38.

AN ACT

Supplemental to an Act entitled "An Act in relation to personal mortgages in certain cases," approved February 7, 1871.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The term and words "stock of all kinds on farm" as used in Section one of the Act of the Legislative

Assembly of the Territory of Arizona, entitled "An Act in relation to personal mortgages in certain cases," approved February 7, 1871, (said Section one being now Section three thousand six hundred and forty-four of the Compiled Laws of Arizona of 1877) shall be construed to include, and shall include, horses, cattle, sheep and all other live stock, whether actually situated upon a farm, or running at large upon a stock range; and this Act shall apply to all mortgages heretofore made as well as those which may be hereafter made.

SEC. 2. This Act shall take effect and be in force from and after the day of its passage.

Approved March 2, 1885.

No. 39.

AN ACT

Concerning sentences of District Courts.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That all judgments rendered by the various District Courts of this Territory, sentencing any person or persons to confinement in the Territorial prison, shall specify the time of the commencement of the term of said confinement.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 40.

AN ACT

To amend an Act entitled "An Act to incorporate the City of Prescott, to define its limits and rights, to specify its privileges and powers and provide for an efficient government for the same."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section 2, Article X, of said Act is hereby amended so as to read as follows:

"The indebtedness of said city must not exceed in the aggregate the sum of fifteen thousand (\$15,000) dollars, and any debt or liability incurred in violation of this Section, except as hereinafter mentioned, whether by borrowing money, loaning the credit of the city or otherwise, is null and void and of no effect."

SEC. 2. Section 2 of Article II of said Act is hereby amended so as to read as follows:

"The said corporation shall have the further power and is hereby further authorized, through its officers or agents, as hereinafter provided, or as may hereinafter be prescribed by the ordinances, by-laws, resolutions, rules and regulations of said city, passed and adopted in pursuance hereof, to assess, levy and collect each year upon all property, both real and personal in said city and taxable under the laws of this Territory. Taxes for general municipal purposes, which shall not exceed for any year the sum of one hundred cents on each one hundred dollars worth of property, both real and personal, according to the assessed value thereof within said city and said corporation, is also hereby authorized and directed to assess, levy and collect each year, at the same time, such other taxes as may be required to be imposed, levied and collected by special Act of the Legislature, for the payment of interest and principal of any of the funded indebtedness of said city if there be any."

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 41.

AN ACT

To regulate the sale and transportation of dynamite and other explosives.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That any person or persons who shall knowingly import dynamite, nitro-glycerine or other highly explosive material into this Territory, or who shall have in his possession, or sell any such explosive material, or cause the same to be transported from point to point, in this Territory, without having plainly marked in large letters in a conspicuous place on the box or package containing such explosive material, the name and explosive character thereof, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 2, 1885.

No. 42.

AN ACT

To prevent the sale of intoxicating beverages on election days.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. It shall not be lawful for any person or persons keeping a public house, saloon or drinking place, either licensed or unlicensed, to sell, give away, or furnish spirituous or malt liquors, wine or any other intoxicating beverages, on any part of any day set apart, or to be set apart, for any general or special election, in any election district or precinct in any of the counties within the Territory of Arizona where an election is in progress, during the hours when by law in said district or precinct the election polls are required to be kept open.

SEC. 2. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall

upon conviction be fined in an amount not less than fifty dollars and no more than three hundred dollars, and shall be imprisoned until the payment of such fine, the extent of such imprisonment not to exceed one day for every two dollars of the fine imposed.

SEC. 3. Upon the collection of any fine imposed under this Act, the one-half thereof shall be paid to the informer or prosecuting witness, and the remaining one-half thereof into the County Treasury. The Court or Justice before whom the case is tried shall determine all questions as to who shall be entitled to a moiety of the fine, as informer, by an order made at the time of entering judgment.

SEC. 4. This Act to take effect and be in force from and after its passage.

Approved March 3, 1885.

No. 43.

AN ACT

To provide means for properly conducting the Exhibit of Arizona at the World's Industrial and Cotton Centennial Exposition, at New Orleans, Louisiana, until the close of the Exposition, and to provide for the return of such portions of the Exhibit as were agreed to be returned to contributors.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The sum of thirty-six hundred and fifty dollars (\$3,650), or so much thereof as is necessary, is hereby appropriated out of any money in the General Fund of the Territory not otherwise appropriated, for the following purposes, that is to say: To defray the actual and necessary expense of completing the installation of and properly conducting the Arizona Exhibit at the World's Exposition, at New Orleans, Louisiana, from January 15, 1885, to May 31, 1885, including the personal expenses of Commissioners and all claims therefor which they may have during the period above named, and including the hire of the necessary attendants and watchmen. Also to provide for the re-packing, boxing and returning of

such portions of the Exhibit, and all the expense pertaining thereto, as were agreed to be returned to contributors by the Territorial Commissioner, Frank M. Murphy.

SEC. 2. The Territorial Auditor shall and is hereby authorized to draw his warrant upon the Territorial Treasurer in favor of Territorial Commissioner Frank M. Murphy for such sums as shall be and are actually necessary to carry out the provisions of Section 1 of this Act; *providing*, that said Commissioner shall present duly authenticated and sworn statements of said actual and necessary expenditures.

SEC. 3. The Territorial Treasurer shall and is hereby authorized to pay the warrants of the Auditor as provided in Section 2 of this Act; *providing*, the aggregate amount required to be paid shall not exceed the sum named in Section 1 of this Act.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 3, 1885.

No. 44.

AN ACT

To transfer certain moneys from the Court House and Jail Fund to the County General Fund, in Mohave County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the sum of (\$1,716.78) one thousand seven hundred and sixteen dollars and seventy-eight cents, now in the Court House and Jail Fund of Mohave County, and all other moneys which may hereafter be apportioned to said Fund be and the same are hereby transferred to the County General Fund of said Mohave County.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 3, 1885.

No. 45.

AN ACT

Authorizing the County of Maricopa to issue bonds to raise money for the purpose of improving the Court House square of the City of Phoenix, and to provide suitable furniture for the Court House.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the Board of Supervisors of Maricopa County be and they are hereby authorized and directed to issue and sell bonds of said county in the sum of thirty-five hundred dollars, payable fifteen years after date of issuance of said bonds, at the office of the Treasurer of said county, in lawful money of the United States, and to bear interest at the rate of seven per cent per annum, payable at the office of said Treasurer on the second Monday of January of each year in like lawful money.

SEC. 2. Said bonds shall be of the denomination of two hundred and fifty dollars each, shall bear the date of their issuance, numbering consecutively from one upwards, and shall be signed by the Chairman of the Board of Supervisors in his official character and shall have the seal of the county affixed thereto; said bonds shall be drawn to the order of the Treasurer of said county and endorsed by him in his official character. Coupons for the interest shall be attached to each bond so that the same may be removed therefrom without mutilating the bond, and each of said coupons shall be signed by the said County Treasurer in his official character.

SEC. 3. Before the sale of said bonds the said Board of Supervisors shall, at a regular meeting, or at a meeting called for that purpose, cause to be entered upon the records of said board, an order directing the sale of said bonds, and fixing the day and hour of such sale and shall cause a copy of such order to be inserted in a newspaper published in said county for at least twenty days, and a notice that sealed proposals will be received by said board for the purchase of said bonds, the day and hour when such sealed proposals will be opened, at the day and hour named in said notice said Board of Supervisors shall meet and open said sealed proposals received by them, and shall award the purchase of said bonds to

the highest responsible bidder, *provided* that no bonds shall be sold for less than one hundred cents, in lawful money, on the par value thereof.

SEC. 4. The said Board of Supervisors may sell such bonds at par value without the notice provided for in the preceding section.

SEC. 5. The amount of the bonds sold, their number, date and the amount for which they were sold shall be entered upon the records of the Board of Supervisors in a book kept for that purpose.

SEC. 6. The proceeds of the sale of said bonds, shall be paid into the County Treasury and shall be constituted an "Improvement Fund," and shall be expended under the direction of the Board of Supervisors as hereinafter provided. Three thousand dollars of such sum shall be expended by said board in the construction of side-walks and other substantial improvements around and upon the Court House square, in the City of Phoenix, in said Maricopa County, and in conducting water and planting trees and shrubbery upon, and otherwise adorning said Court House square, and the remainder of the proceeds of the sale of said bonds shall be expended in providing suitable shelving for the books and papers of the county in the vault of the County Recorder's office and in further providing furniture for the Court House of said county.

SEC. 7. After said bonds are sold and until all bonds sold are redeemed, the said Board of Supervisors are hereby authorized, and it shall be their duty, in addition to the amount of taxes which they may be otherwise required by law to levy for other county purposes, and at the same time and in the same manner as other taxes are levied and collected, to levy and cause to be collected a tax on all taxable property in the county, sufficient to pay the interest on all bonds not paid. Said tax when collected shall constitute a fund for the payment of the interest on said bonds, and shall be called the "Improvement Interest Fund," and if any interest shall be due on said bonds and there is no money in said Fund to pay the same, the Board of Supervisors shall, by an order entered upon the records of said Board, direct the Treasurer of said county to transfer to said Improvement Interest Fund, from the County General Fund, a sufficient sum to pay said inter-

est. All money remaining in the Improvement Interest Fund after all interest has been paid in each year, shall be transferred to the County General Fund.

SEC. 8. Said Board of Supervisors shall in the year 1894, and in each year thereafter until and including the year 1899, levy and collect, as provided for in Section 7 of this Act, a sufficient sum to pay the annual interest and seven hundred dollars upon the principal sum of said bonds. Said tax when collected shall constitute the "Improvement Redemption Fund," and whenever after paying the amount of the annual interest upon said bonds there shall remain in said Fund the sum of five hundred dollars, the County Treasurer of said county shall advertise for the surrender of bonds then outstanding, by publishing a notice in some newspaper published in said county, if there be any, and by posting notices in at least three public places in said county if there be no paper published therein, for the period of two weeks, which advertisement, or notice as the case may be, shall state that said Treasurer is ready to pay one or more of said bonds, giving the lowest numbers then outstanding, and the interest on such bonds shall cease within ten days after the completion of the publication of said notice.

SEC. 9. When any interest shall be paid upon any of said bonds under the provisions of this Act, the coupons due and paid shall be delivered to the County Treasurer who shall write the word "cancelled" across the face thereof, and the said coupons so paid shall be the Treasurer's vouchers, and whenever any bonds shall have been paid and redeemed, the Treasurer shall in like manner mark them cancelled and immediately deliver them to the Clerk of the Board of Supervisors.

SEC. 10. The bonds paid under the provisions of this Act shall be the same in form and substance as the bonds authorized by the Act providing a building fund for the County of Maricopa, approved January 27, 1883.

SEC. 11. Within sixty days after the passage of this Act the Board of Supervisors shall cause notice to be given that they will enter into contracts for such improvements in connection with said Court House Square as may be determined upon by them, and the erection of the shelving in the vault of the County Recorder, in compliance with the provisions of

Section 6 of this Act. And said Board of Supervisors shall without any unnecessary delay after the passage of this Act proceed to procure the planting of shade trees and shrubbery on said Court House Square and otherwise adorn and beautify the grounds appertaining thereto, and to have water conducted upon said grounds in sufficient quantities to properly irrigate the same, and shall cause said grounds and the trees, shrubbery and other adornments thereon to be properly cared for. Such expense as may be incurred for the care of said Court House grounds and the trees, shrubbery, grass, etc., thereon shall be paid for by said county out of the General Fund.

SEC. 12. This Act shall take effect and be in force from and after its passage.

Approved March 3, 1885.

No. 46.

AN ACT

Authorizing the maintenance and construction of a certain Railroad and Telegraph line.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever any association of persons duly incorporated under the laws of this Territory for the purpose of constructing a railroad and telegraph line from a point at or near the track of the New Mexico and Arizona Railroad, in the town of Fairbanks, Cochise County, Arizona, to the town of Tombstone, in said county, and from either point thence, by the most practicable route, to the town of Bisbee in said county, and thence to the boundary line between Arizona and the State of Sonora, Republic of Mexico, shall file with the Secretary of the Territory of Arizona a notice in writing, signed by its President and Secretary, that it intends to avail itself of the provisions of this Act, shall be deemed to have accepted the provisions of this Act and shall be the corporation empowered to construct said road as hereinafter set forth.

SEC. 2. Within twelve months from the filing of such acceptance said corporation shall file with the said Secretary of the Territory a map of the approximate location of the line

and lines of such railroad, certified to by a competent civil engineer.

SEC. 3. Said corporation shall actually commence the construction of said road within two years from the date of filing the notice contained in Section 1 of this Act, and shall within five years thereafter complete said road to the towns of Tombstone and Bisbee.

SEC. 4. The right of way for said railroads and telegraphs to the width of two hundred and fifty feet on each side of the center line of the track is hereby granted to said corporation, over and through any lands which now belong to this Territory or which may hereafter become the property of this Territory, and in cases where deep excavations or heavy embankments or other cuttings, ditches, drains, culverts or other structures to protect the road-bed and facilitate the use and enjoyment of the same is or may be required for the grade or other uses of the same, then at such places a greater width of land may be taken by and the same is hereby granted to said corporation, not exceeding in addition five hundred feet wide. And the right is further granted to said corporation to locate, occupy and hold so much of said lands as may be necessary for sites and grounds for watering places, depots, stations or other buildings or structures along the lines of said railroad necessary for the accommodation of the public, the operating of said roads or the transaction of the business of said corporation. And the further right is granted said corporation to appropriate to its use, by means of pipes, ditches, aqueducts or other conduits, so much of the waters of any springs, or streams on said lands, and so much of the waters of the San Pedro River, as may be necessary to the operating and business of said corporation, together with the right of way over said lands to said springs or streams for such pipes, ditches, aqueducts or other conduits.

SEC. 5. The corporation which shall avail itself of the provisions of this Act as aforesaid shall have :

First. To cause such examination and surveys to be made as may be necessary to the selection of the most suitable route for said road, and for that purpose may enter upon the lands and waters of the Territory and of private persons and private and public corporations, subject however, to responsibility for all damage which they may do to the property of such persons and corporations.

Second. To take, hold and convey, by deed or otherwise, the same as natural persons, such grants and donations of real and

personal property as may be made to it to aid in its construction or maintenance or provide for its accommodation.

Third. To purchase, and by voluntary grant, to receive and take, and by its agents and employees to enter upon and hold and use all such land and other property as its directors may deem necessary and proper for the construction, maintenance and operation of said road, and for the erection of all proper buildings, turn-tables, side-tracks, etc., and for all other purposes necessary or convenient to said corporation in the transaction of its business.

Fourth. To lay out said railroad not exceeding the width herein specified and to maintain the same with such appendages as the directors may deem necessary for the purpose of making embankments, excavations, drains, ditches, and the like and for procuring timber, stone, gravel and other materials for the construction and security of said railroads; said corporation may take and occupy as much more land as its directors may deem necessary or convenient for the purposes aforesaid.

Fifth. To join and unite or cross its railroads with any other that has been or may hereafter be constructed at any point or points on the route thereof.

Sixth. To take by purchase, donation or otherwise land, timber, stone, gravel and other materials to be used by said road in its construction and maintenance, and if the same cannot be obtained by agreement with the owner thereof to take the same by the proceedings and in the manner herein provided for the taking of private property for the use of said corporation.

Seventh. To take by purchase, donation or condemnation, as hereinafter provided, such natural springs and streams of water, or so much thereof as may be necessary in operating its said railroads, together with the right of way thereto, for proper conduits for the conveyance thereof.

Eighth. To transport and carry passengers and freight, and collect and receive compensation therefore. *Provided*, it shall be unlawful for said corporation to charge more than ten cents per mile for each passenger and fifteen cents per mile for each ton by weight or measurement for freight transported by it; *provided, further*, that said corporation shall in no case be required to receive less than fifty cents for any one lot of freight for any distance.

Ninth. Said corporation shall have power to mortgage its property and franchise and such further power as may be necessary to enable it to exercise and enjoy fully and completely the powers granted by this Act, and generally all such powers as are usually conferred upon and required and exercised by railroad corporations.

SEC. 6. In all cases where by this Act said corporation is empowered to take private property for its use, and the owner thereof and said corporation cannot agree as to the compensation to be paid therefore, the same shall be ascertained, determined and declared in the following manner, to wit:

The amount shall be ascertained by appraisal of three disinterested commissioners to be appointed by the Judge of the District Court or in his absence by the commissioner of said Court in and for the county where such property is situated on application of either party. Said commissioners shall appraise said property at the value thereof at the time of condemnation, and upon return into Court of such appraisal and by payment to the Clerk thereof of the sum so awarded, the property so appraised shall be deemed to be taken by said corporation which shall thereby acquire full title to the same for the uses aforesaid. The party feeling aggrieved by the award may within ten days after notice of the return thereof file an appeal therefrom to said Court, and may demand a jury to estimate the compensation to be paid, but such appeal shall not interfere with the right of said corporation to take possession of said property and proceed with the construction of its road or other improvements. In case the party appealing does not obtain a more favorable verdict he shall pay the whole cost incurred by both parties.

SEC. 7. To aid and encourage said corporation in the construction of said roads and telegraph, all the property of every kind and description which may at any time belong to said corporation shall be exempt from taxation of every kind and description until such time as said railroad shall be completed from Fairbanks to Tombstone and Bisbee, *provided*, such exemption shall not continue for more than six years from the passage of this Act.

SEC. 8. This Act shall take effect and be in force from the date of its passage.

Approved March 4, 1885.

No. 47.

AN ACT

To aid in the construction of a certain railroad between the City of Phoenix and the Southern Pacific Railroad.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That for the purpose of aiding in the construction of a standard gauge railroad from the most practicable point at or near the track of the Southern Pacific Railroad, at or near Maricopa Station, in the said Territory of Arizona by the most practicable route to a point at or near Hayden's Ferry, at Tempe, and thence to the city of Phoenix, in Maricopa County, in said Territory, the Board of Supervisors in and for the said County of Maricopa, are hereby authorized, directed and required to issue the bonds of the said County of Maricopa to the Maricopa and Phoenix Railroad Company, a corporation duly organized under the laws of the Territory of Arizona, in the sum of two hundred thousand dollars of said bonds, in the manner and form as hereinafter provided, and subject to the provisions of this Act.

SEC. 2. It shall be the duty of the said Board of Supervisors of Maricopa County, within thirty days after the passage of this Act, to meet at the county seat of said Maricopa County, and forthwith issue said bonds in the sum of two hundred thousand dollars, as in the manner and form hereinafter provided, and the said Board of Supervisors are hereby authorized, directed and required to deposit said bonds in said sum of two hundred thousand dollars when so issued as aforesaid, and as hereinafter provided, with the County Treasurer of said Maricopa County, and the said County Treasurer is hereby authorized, directed and required to issue, pay and deliver to said Maricopa and Phoenix Railroad Company the said bonds so deposited as aforesaid, in the manner and form as hereinafter provided.

SEC. 3. Whenever the said Maricopa and Phoenix Railroad Company shall have constructed a bridge across the Gila River suitable for the crossing of locomotive engines and trains of cars of standard gauge, and shall have graded the road-bed and laid the ties and rails along the route of said road, commencing at its junction with the track of the Southern Pacific Railroad and extending across said Gila River, and shall have run a train of cars over said track and bridge, and

shall file with the said Board of Supervisors of said Maricopa County, and with said Treasurer of said Maricopa County, the certificate of the Chief Engineer of the said Maricopa and Phoenix Railroad Company, together with the certificate of the Probate Judge, County Recorder and County Surveyor of said Maricopa County, that the said road-bed has been so graded and said ties and said rails so laid, and said Gila River so bridged as aforesaid along said route, and shall make application to the said County Treasurer of Maricopa County for the delivery and payment to it, the said Maricopa and Phoenix Railroad Company, of said bonds, as hereinafter provided, it shall be the duty of said County Treasurer, and said County Treasurer is hereby authorized and directed to issue, pay and deliver to the said Maricopa and Phoenix Railroad Company, or its order, an amount in said bonds for said section of road so graded, laid and bridged as aforesaid, equal in amount per mile as the whole surveyed distance of said road from the track of the Southern Pacific Railroad to said City of Phoenix bears to the sum of two hundred thousand dollars, the total amount of said bonds as aforesaid, less an amount equal to twenty-five per cent of the bonds for said section of road as aforesaid, and which said amount of twenty-five per cent of said bonds for said section shall be retained by the said County Treasurer, and shall be issued, paid and delivered by said County Treasurer to said Maricopa and Phoenix Railroad Company upon the completion of the said road to and across Salt River, and the construction of the bridge across Salt River as hereinafter set forth; and whenever the said Maricopa and Phoenix Railroad Company shall have graded the road-bed and laid the ties and rails along the route of said road, commencing at the north side of the Gila River and extending across the Salt River at Tempe, and shall have constructed a bridge across said Salt River at Tempe suitable for the crossing of locomotive engines and trains of cars of standard gauge, and shall have run trains of cars over said track and bridge, and shall file with the said Board of Supervisors of Maricopa County, and with said Treasurer of said Maricopa County, the certificate of the Chief Engineer of said Maricopa and Phoenix Railroad Company, together with the certificate of the Probate Judge, County Recorder and County Surveyor of said Maricopa County, that said road-bed has been so graded, and said ties and rails so laid, and Salt River so bridged as aforesaid along said route, and shall make application to the said County Treasurer of said Maricopa County for the delivery and payment to it, the said Maricopa and

Phoenix Railroad Company, of said bonds as hereinbefore provided, it shall be the duty of the said County Treasurer and the said County Treasurer is hereby authorized and directed to issue, pay and deliver to the said Maricopa and Phoenix Railroad Company or to its order, an amount in said bonds for said section of the road so graded, laid and bridged as aforesaid, equal in amount per mile as the whole surveyed distance of said road from the track of the Southern Pacific Railroad to said City of Phoenix bears to the sum of two hundred thousand dollars, the total amount of said bonds as aforesaid, together with the amount of said bonds, to wit: twenty-five per cent upon the *pro rata* amount of bonds retained by the said County Treasurer on the first section of said road, as hereinbefore provided, less an amount equal to twenty-five per cent of the bonds for said section of said road as aforesaid, between the north side of the Gila River and the north side of the Salt River, which said amount of twenty-five per cent of said bonds for said section shall be retained by the County Treasurer, and shall be issued, paid and delivered by the said County Treasurer to said Maricopa and Phoenix Railroad Company upon the completion of the said road to the the City of Phoenix, as hereinafter set forth, and whenever the said Maricopa and Phoenix Railroad Company shall have graded the road-bed and laid the ties and rails, and the said road is in condition to run trains over it and a train shall have actually run over it to the said City of Phoenix in said Maricopa County, and shall file with the said Board of Supervisors of said Maricopa County, and with said Treasurer of said Maricopa County, the certificate of the Chief Engineer of said Maricopa and Phoenix Railroad Company, together with the certificate of the Probate Judge, County Recorder and County Surveyor of said Maricopa County, that said road-bed has been so graded, and said ties and said rails so laid, and that said road is in condition to run trains over it as aforesaid, and shall make application to said County Treasurer of Maricopa County for the delivery and payment to it, the said Maricopa and Phoenix Railroad Company of said bonds, as hereinafter provided, it shall be the duty of the said County Treasurer, and the said County Treasurer is hereby authorized and directed to issue, pay and deliver to the said Maricopa and Phoenix Railroad Company, or its order, the balance of all bonds herein ordered to be issued by said Board of Supervisors and deposited with said County Treasurer as aforesaid, and remaining on deposit with said County Treasurer, and not theretofore issued, paid and delivered by said County

Treasurer to said Maricopa and Phoenix Railroad Company, and the said Maricopa and Phoenix Railroad Company shall receipt to the County Treasurer, by its President and Secretary, and under its seal, for all of said bonds so to be issued, paid and delivered as aforesaid.

SEC. 4. The bonds provided for in Section 1 of this Act shall be of the denomination of one thousand (\$1,000) dollars each, and shall bear interest at the rate of seven per cent per annum, interest payable annually, and shall have coupons for said interest attached, so that said coupons may be removed without mutilating the bonds. The said bonds shall be *issued* in the name of the County of Maricopa, and shall be made payable to said railroad company, or bearer, thirty years after date, and shall be made payable, both principal and interest, in gold coin of the United States, at the office of the County Treasurer of said County of Maricopa. The said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and countersigned by the Treasurer of said County Treasurer of said County of Maricopa, and there shall also be affixed to each bond by the Chairman of said Board of Supervisors, the seal of said Board of Supervisors of Maricopa County, and if said Board has no seal, it is hereby required to procure one of suitable design to be used for said purpose.

SEC. 5. The Board of Supervisors of said Maricopa County are hereby authorized, directed and required, at their first regular meeting after the issuance of the first amount of bonds for the first section of said road so constructed as aforesaid, issued and delivered under the provisions of this Act, and each year thereafter until said bonds are paid, to levy for each year a tax of not less than seventy cents on each one hundred (\$100) dollars of taxable property in said Maricopa County, which tax shall be levied and collected in such manner as is, or may be provided by law for levying and collecting other Territorial and county taxes in such County of Maricopa, which tax shall be known as the "Railroad Interest Tax," and the proceeds thereof shall constitute a fund to be applied only to the payment of interest on and redemption of the bonds provided for in this Act, and shall constitute a fund to be known as the "Railroad Fund."

SEC. 6. Whenever, after the payment out of said fund of the annual interest on said bonds, there shall remain a surplus of one thousand (\$1,000) dollars or more in said Railroad Fund, it shall be the duty of the Treasurer of the county to adver-

tise, for the space of one month, in a newspaper published in said county, for the surrender of said bonds, and which advertisement shall state the amount in said fund, and the number or numbers of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding which said fund is set apart to pay and discharge, and if such bond or bonds so numbered in such advertisement shall not be presented for payment at the expiration of such publication, then such fund shall remain with said County Treasurer to discharge such bond or bonds whenever presented, but such bond or bonds shall draw no interest after the expiration of such publication; *provided, however*, that the surrender value of said bond or bonds shall not exceed the par value of such bond or bonds.

SEC. 7. If for any reason the Board of Supervisors of said County of Maricopa fail to meet at the time hereinbefore designated, it shall be their duty to meet on each succeeding Monday thereafter, until all the acts provided to be done by them under the provisions of this Act have been fully done and completed; and all their acts done in the premises subsequent to the times hereinbefore designated, shall be as valid as though done on the first day prescribed; and if for any reason the Probate Judge, County Recorder and County Surveyor of the said County of Maricopa fail, neglect, or refuse to file with said Board of Supervisors of said Maricopa County their certificate as required by Section 3 of this Act, when said railroad and bridges or any part of them shall have been constructed as required by the provisions of this Act, it shall be competent for the Chief Engineer of said Railroad Company to prepare and execute such certificate under oath, and file the same with said Board of Supervisors and with said Treasurer, in lieu of the certificate of said Probate Judge, County Recorder and County Surveyor, and all the acts done in the premises by said Chief Engineer by reason of any such failure, neglect or refusal on the part of said Probate Judge, County Recorder and County Surveyor shall be as valid as though done by said Probate Judge, County Recorder and County Surveyor; and said bonds shall be issued in the same manner, and at the same time, as though said certificate had been filed by said Probate Judge, County Recorder and County Surveyor.

SEC. 8. If for any reason, by means of any suit, or proceeding at law, or in equity or otherwise, the aid granted in

this Act to construct said road as herein provided is withheld from said Maricopa and Phoenix Railroad Company, either in whole or in part when such aid is due to such corporation as in this Act provided, then the whole of the time during which such aid or any portion of the same is so withheld from such corporation, shall not be deemed or taken to be part of the period prescribed in this Act, within which such corporation is to grade the road, and lay the ties and rails, and place said road from the track of the Southern Pacific Railroad to said city of Phoenix in a condition to run trains upon it, but the whole time during which such aid or any portion thereof is withheld from said corporation shall be granted to said corporation in addition to the period of eighteen months provided for in Section 9 of this Act, in which such corporation has to grade the road and lay the ties and rails, and place the said road in condition to run trains over it from the track of the said Southern Pacific Railroad to the city of Phoenix. And if said corporation is hindered, impeded or delayed from crossing the Pima or other Indian Reservation in said Maricopa County, by reason of any delay in the Congress of the United States granting to said corporation the right of way across said Reservation or any part thereof, then the period or time of such delay shall not be deemed or taken to be part of the said eighteen months in which said corporation shall construct said road as aforesaid, but shall be and is hereby expressly excepted from the time granted herein.

SEC. 9. The provisions of this Act are made applicable to the said Maricopa and Phoenix Railroad Company, a corporation, and the said Board of Supervisors of said Maricopa County are hereby authorized, directed and requested to aid in the construction of said railroad as aforesaid; *provided*, that said corporation shall actually commence the work on the final surveys and location of said railroad within sixty days from and after the passage of this Act; and that the whole of said railroad, from the track of the Southern Pacific Railroad to the city of Phoenix as aforesaid, shall be graded and the ties and rails laid, and the road in condition to run trains over it, within eighteen months from and after the passage of this Act; *and, provided further*, that before the said County Treasurer shall issue, pay, and deliver to the said Maricopa and Phoenix Railroad Company any amount in bonds under the provisions of this Act, the said Maricopa and Phoenix Railroad Company shall enter into a written contract with said Board of Supervisors of Maricopa County by its president and secretary, and under its seal, that said Maricopa and

Phoenix Railroad Company will in all things truly and faithfully, construct and build said road from the track of the Southern Pacific Railroad to the city of Phoenix as aforesaid, as a standard guage railroad; that depots shall be erected at the termini of said railroad, and at Tempe, for the convenience of passengers and freight; that after the completion of said railroad, at least one train per day shall be dispatched from, to and between some point at or near Maricopa Station and the city of Phoenix, unless prevented by unavoidable accident or other unavoidable causes; that all proper facilities for carrying passengers and freight be provided by said company; that said railroad company will construct said road its entire length from some point on the track of the Southern Pacific Railroad at or near Maricopa Station to Phoenix, of material that has not been used, and that such railroad company shall also be bound to guarantee to said Board of Supervisors by a bond or lien on the road as constructed, to build said road within a time provided in this Act, or failing so to do, shall surrender to said County of Maricopa all work and road that may be built and constructed.

SEC. 10. If, in the event that, the said Maricopa and Phoenix Railroad Company shall fail to avail itself of the provisions of this Act, and shall fail to construct the first section of road provided for in this Act, within eleven (11) months, then said Railroad Company shall forfeit all rights under this Act, and any other association or corporation which may desire to avail itself of the benefits of this Act may do so, at the expiration of eleven (11) months from and after the passage of this Act.

SEC. 11. This Act shall take effect and be in force from and after its passage.

Approved March 4, 1885.

No. 48.

AN ACT

Authorizing the Firemen of the City of Tombstone to organize an Exempt Fire Association.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Fire Department of the City of Tombstone is hereby authorized and empowered to organize an Exempt Fire Association, to be composed of firemen who have

served as active firemen in the City of Tombstone for the period of three years. Said association to be limited to fifty members for the first two years, and to one hundred for the ensuing four years.

SEC. 2. All members of such association shall be exempt from jury duty in any and all of the courts in the County of Cochise; *provided*, that all members of such association to avail themselves of this Act shall produce a certificate duly signed by the President and Secretary of such association showing that they are members in good standing in such association.

SEC. 3. The Secretary of such association shall file or cause to be filed with the Clerk of the Board of Supervisors and the Clerk of the District Court, in and for the County of Cochise, a full list of its members not exceeding the number mentioned and provided in Section 1, every six months.

SEC. 4. This Act shall take effect from and after its passage.

Approved March 5, 1885.

No. 49.

AN ACT

To create the office and prescribe the duties of Commissioner of Immigration.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be a Commissioner of Immigration, who shall be nominated by the Governor and appointed by and with the advice and consent of the Legislative Council, and shall hold his office for the term of two years, and until the appointment and qualification of his successor; and he shall give a bond to the Territory, with security, to be approved by the Governor, in the sum of five thousand dollars, conditioned for the faithful performance of the duties of the office, and shall enter upon the discharge of the duties of his office on or before the thirtieth day after his appointment; and he shall be paid an annual salary of two thousand dollars by warrants, which the Auditor is hereby directed to draw in his favor on the Treasurer in quarterly payments, payable out of the General Fund.

SEC. 2. It shall be the duty of said Commissioner :

First. To attend at all times to the giving of such information as may be sought by persons who may desire to emigrate to this Territory, or make investments therein.

Second. To open correspondence with immigration bureaus in the Eastern States, Canada and Europe, and give such advice and exact data for the guidance of the prospective immigrant as may be most conducive to his welfare and the material advancement of the interests of the Territory.

Third. To direct the immigrant as to the cheapest and most expeditious method of reaching the Territory, and endeavor to make such advantageous terms with transportation companies, in the way of reduced rates, as shall materially assist his coming hither.

Fourth. To give reliable and trustworthy information in regard to localities where the settler may desire to choose a home, and to give him every possible assistance after his arrival.

Fifth. To issue from time to time such maps, pamphlets, circulars, reports, etc., on the mining, farming, grazing, timber and other resources of this Territory as may induce the coming of immigration and the investment of capital, and to distribute in the cities and railroad centres of the Eastern States, Canada and Europe such documents and in such a manner as will insure them the widest and most useful circulation, and to be prepared at all times to give such facts and statistics regarding the Territory as the immigrant, settler and capitalist may desire.

SEC. 3. Before the biennial meeting of the Legislature, the Commissioner shall make a report in writing to the Governor of the Territory, setting forth the work done in his office and all facts and information of interest in connection therewith, and the Governor shall transmit a copy of said report to the Legislative Assembly.

SEC. 4. To enable the Commissioner of Immigration to secure reliable information regarding the actual condition of the Territory, he is required to visit every county, not less than once in each year. The mileage and actual traveling expenses thus incurred, *providing*, they do not exceed the sum of five hundred dollars per annum, shall be audited and paid out of the Territorial General Fund, in the same manner as

other claims are audited and paid; but no such claim shall be audited and paid, unless the same shall have been presented in the form of a fully itemized bill and verified.

SEC. 5. To cover the expenses of the publication of maps, pamphlets, circulars, reports, etc., and the distribution of the same; for postage, stationery, rent of office, and other incidental expenses, there is hereby appropriated the sum of two thousand dollars annually to be paid quarterly in warrants drawn on the Territorial General Fund, by the Auditor therefor, *provided*, that no sum shall be paid unless a fully itemized account is presented and duly verified.

SEC. 6. The Commissioner of Immigration shall have his office within the Territory, and shall have power to appoint a deputy, with full authority to act, and for whom the Commissioner shall be responsible in all things.

SEC. 7. Upon the expiration of the term of said Commissioner, he shall turn over to his duly qualified successor, all property, books, papers, accounts, letters and all other documents, pertaining to the duties of his office.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 7, 1885.

No. 50.

AN ACT

To provide for the drainage of mines, and to regulate the liabilities of miners and mine owners in certain cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Whenever adjacent or contiguous mines, occupied and worked upon the same or upon separate lodes have a common ingress of water, or by reason of subterranean communication of water have a common drainage, it shall be the duty of the owners, lessees or occupants of said mine so related, to provide for their proportionate share of such drainage, or to prevent the water in such mine from flowing in or upon neighboring mines, thereby imposing upon them an unjust burden.

SEC. 2. If any owners, lessees or occupants of any such mine shall fail or neglect to provide for the drainage thereof, and by reason of such failure or neglect, the owners, lessees or occupants of any adjacent or contiguous mine are compelled to pump or drain or otherwise provide for the water flowing in from such first mentioned mine, then, and in such event the owners, lessees or occupants of the mine so in default shall pay respectively to those performing the work of drainage their proportion of the actual and necessary cost and expense of pumping, draining or otherwise providing for said water, and if they fail or refuse to make such payment the same may be recovered by an action in any Court of competent jurisdiction.

SEC. 3. It shall be lawful for all mining corporations or companies and all individuals engaged in mining having thus a common interest in draining such mines, to unite for the purpose of effecting the same under such common name and upon such terms and conditions as may be agreed upon ; and every such association having filed a certificate of incorporation, as provided by law, shall be deemed a corporation, with all the rights, incidents and liabilities of a body corporate so far as the same may be applicable.

SEC. 4. Failing mutually to agree as indicated in the preceding section for drainage jointly, one or more of said parties may undertake the work of drainage after giving reasonable notice to the other parties interested as aforesaid, and should the remaining parties then fail, neglect or refuse to unite in equitable arrangements for doing or sharing the expense thereof, they shall be subject to an action therefore as already specified to be enforced in any Court of competent jurisdiction.

SEC. 5. When an action is commenced, as provided herein, to recover the costs and expenses for draining a lode or mine, it shall be lawful for the plaintiff to apply to the Court, or to the Judge thereof in vacation for an order to inspect and examine the lodes or mines claimed to have been drained by the plaintiff, and upon affidavit that such inspection or examination is necessary for a proper preparation of the case for trial, the Court or Judge shall grant an order for the underground inspection and examination of the lode or mine described in the petition. Such order shall designate the number of persons, not exceeding three besides the plaintiff or his representative, who may examine and inspect such lode and mines, and take

measurements for the purpose of showing the amount of water taken from the lode or mine, or the number of fathoms of ground mined and worked out of the lode or mines claimed to have been drained, the cost of such examination and inspection to be borne by the party applying therefor. The Court or Judge shall have power to cause the removal of any rock, debris, or any other obstacles in any lode or vein when such removal is shown to be necessary to a just determination of the question involved; *provided*, that no such order for inspection and examination shall be made except upon notice of at least three days, nor unless it appears that the plaintiff has been refused the privilege of making the examination by the defendant, his or their agent.

SEC. 6. The provisions of this Act shall not apply to unopened or undeveloped mines, but shall apply to all opened and developed mines which derive a benefit from being drained.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Approved March 8, 1885.

No. 51.

AN ACT

Entitled "An Act relating to Copartnerships."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Except as otherwise provided in the next section, every partnership transacting business in this Territory under a fictitious name, or a designation not showing the names of the persons interested as partners in such business, must file with the Recorder of the County in which such place of business is situated a certificate stating the names in full of all the members of such partnership and their place of residence.

SEC. 2. A commercial or banking partnership established and transacting business in a place without the United States,

may, without filing the certificate prescribed in Section 1, use in this Territory the partnership name used by it there although it be fictitious, or do not show the names of the persons interested as partners in such business.

SEC. 3. The certificate filed with the Recorder, as provided in Section 1, must be signed by the partners and acknowledged before some officer authorized to take the acknowledgement of conveyances of real property. Where the partnership is hereafter formed, the certificate must be filed within one month after the formation of the partnership, or within one month from the time designated in the agreement of its members for the commencement of the partnership. Where the partnership has been heretofore formed, the certificate must be filed within sixty days after the passage of this Act. Persons doing business contrary to the provisions of this Act shall not maintain any action upon or on account of any contracts made or transactions had in their partnership name in any court of this Territory, until they have first filed the certificate herein required.

SEC. 4. On every change in the members of a partnership transacting business in this Territory under a fictitious name, or a designation which does not show the names of the persons interested as partners in its business, except in the cases mentioned in Section 2, a new certificate must be filed with the Recorder, as required by this Act, on the formation of such partnership.

SEC. 5. Every County Recorder must keep a register of the names of firms and persons mentioned in the certificates filed with him pursuant to this Act, entering in alphabetical order the names of every such partnership and of each partner therein.

SEC. 6. The County Recorder shall be entitled to receive two dollars for filing, recording and indexing every such certificate of copartnership, to be paid by the party or firm filing such notice.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Approved March 8, 1885.

No. 52.

AN ACT

To provide for the payment of five hundred dollars to W. O. O'Neill, as District Court Short-hand Reporter, Second Judicial District, from July 1, 1882, to December 31, 1882.

WHEREAS, There remains due and unpaid, from the Territory of Arizona to William O. O'Neill, the sum of five hundred dollars for services rendered as Short-hand Court Reporter of the Second Judicial District of the Territory of Arizona, for the six months beginning July 1, 1882, and ending December 31, 1882; therefore,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Territorial Treasurer be authorized and directed to pay out of the General Fund of said Territory to the said William O. O'Neill, the sum of five hundred dollars on presentation to him of a warrant in favor of said William O. O'Neill for said sum, which warrant the Territorial Auditor is hereby authorized and directed to draw and issue.

SEC. 2. This Act shall take effect and be in force on its passage and approval by the Governor of the Territory.

Approved March 8, 1885.

No. 53.

AN ACT

Authorizing and instructing the Board of Supervisors of Maricopa County to issue bonds for a certain purpose.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the Board of Supervisors of Maricopa County be authorized and instructed to issue the bonds of said county, to the amount of thirty-five hundred dollars, to be sold for the purpose of purchasing one hundred and sixty acres of land upon which to build the Territorial Insane Asylum, as provided in an Act entitled, "An Act to establish,

maintain and provide for the government of an Insane Asylum." The land so purchased to be acceptable to, and accepted by the Directors of said Asylum, and to be within three miles of the City of Phoenix.

SEC. 2. The bonds shall be of the denomination of five hundred dollars each, and shall bear such rate of interest as shall be fixed by said Board of Supervisors, not exceeding the rate of seven per cent per annum. Said bonds shall be issued in the name of the county, and shall be made payable to the bearer fifteen years after date. They shall be signed by the Chairman of said Board of Supervisors and the County Treasurer of said county, and shall be countersigned by the Clerk of the District Court, in and for said county, who shall affix to each bond the seal of said Court. For such services, the above named officers shall receive no compensation, other than their salaries while acting as such officers.

SEC. 3. That the interest on said bonds shall be payable at such times as the Board of Supervisors may designate at the time of their issuance.

SEC. 4. That said Board of Supervisors is hereby authorized, and it shall be their duty, and they are hereby directed, for the payment of said bonds, to levy and collect an additional tax (not exceeding twenty cents on each one hundred dollars of taxable property), in the same manner and at the same time of levying the other taxes, upon all taxable property in said county until both principal and interest have been fully paid.

SEC. 5. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 54.

AN ACT

Regulating the procedure in trials before a jury in civil and criminal cases.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Either party in a civil or criminal action tried before a jury, may ask special instructions to be given to the jury, which instructions shall be in writing, and numbered in the order in which it is desired the same shall be read. The Court must either give each of such instructions as requested, or refuse to do so, and in either case, must endorse upon each of such instructions the word "given" or "refused" as the case might be, together with any explanation that may be proper, and the Judge so passing upon the same, must sign his name thereto, under the word "given" or "refused," or the Court may give any such instruction with a modification, in such manner that it may distinctly appear what instruction was given in whole or in part, and such instruction shall be endorsed "modified and given as modified" and signed by the Judge passing upon the same. Any special instruction so modified shall be re-written and marked "substitute for instruction number ," giving the number, and shall be signed by the Judge so modifying the same.

SEC. 2. When either party requests special instructions, the same shall be settled by the Court, in one of the ways specified in Section 1 of this Act, before counsel for either side commence argument before the jury. And when such requests are granted, or given as modified, counsel may use the same in his argument.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall only apply to the trial of cases in Courts of Record.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 55.

AN ACT

To punish bribery and other corrupt influences at elections.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Every person who by force, threats, menaces, bribery or any corrupt means attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at any such election by deceiving and causing such elector to vote for a different person for any office that he intended or desired to vote for, or who being Inspector, Judge or Clerk of any election, while acting as such, induces or attempts to induce, any elector, either by menace or reward or promise thereof to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

SEC. 2. Every person who, with intent to promote the election of himself or any other person either

First. Furnishes entertainment at his own expense to any meeting of electors previous to or during the election.

Second. Pays for, procures or engages to pay for any such entertainment.

Third. Furnishes or engages to pay or deliver any money or property for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters to the polls, except for the conveyance of voters who are sick or infirm.

Fourth. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, hand bills and other papers previous to such election, is guilty of a misdemeanor.

SEC. 3. Every person who being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office as an inducement or consideration to any person to vote for or procure, or aid in procuring the election of such candidate, is guilty of a misdemeanor.

SEC. 4. Every person not being a candidate who communicates any offer made in violation of the last preceding Section of this Act, to any person, with intent to induce him to vote for or procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor.

SEC. 5. Any person convicted of a misdemeanor under the provisions of this Act shall be fined in a sum not less than fifty dollars nor more than one thousand dollars, and the judgment shall direct that the defendant be imprisoned until the fine be satisfied, the extent of such imprisonment to be one day for every two dollars of said fine.

SEC. 6. That when any fine imposed under the provisions of this Act, shall have been collected, the same shall be paid into the General Fund of the county.

SEC. 7. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 56.

AN ACT

To promote live stock breeding.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. No person owning twenty-five or more cows shall allow such cows to run at large without providing at least one serviceable bull of good American graded stock to run with each twenty-five or fraction of twenty-five cows permitted to run at large. And any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after September 1, 1885.

Approved March 9, 1885.

No. 57.

AN ACT

For the prevention of fraud and the better protection of miners in the sale and purchase of ores, and the working or reduction thereof.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Any person, corporation or association, or the agent of any person, corporation or association, engaged in the milling, smelting, sampling, concentrating, reducing, shipping or purchasing of ores in this Territory, who shall in any manner, knowingly alter or change the true value of any ores delivered to him or them, so as to deprive the seller of the correct value of the same, or who shall substitute other ores for those delivered to him or them, or who shall issue any bill of sale, or certificate of purchase that does not exactly and truthfully state the actual weight, assay value and total amount paid for any lot or lots of ore purchased; or who by any secret understanding, or agreement with another, shall issue a bill of sale or certificate of purchase that does not correctly and truthfully set forth the weight, assay value and total amount paid for any lot or lots of ore purchased by him or them, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, nor less than one hundred dollars, or imprisonment in the county jail not more than one year, or both, at the discretion of the Court.

SEC. 2. Whenever any person, corporation or association or the agent of any person, corporation or association, being the owner or owners, manager or managers, or controlling by lease or otherwise any mine or mines in this Territory, from which ore is extracted or taken out, shall contract or agree with the owner or owners of any mill or reduction works in this Territory, to work or reduce, and shall work or reduce any such ore or ores, so extracted or taken out, in any such mill or reduction

works, if the owner or owners of any such mine or of twenty-five per cent of the capital stock of any such corporation or company have reasonable cause to believe or do believe from the return made of the working value of said ore or from the return made of similar workings of the same ore, that collusion and fraud exists whereby the correct value of said ore has been altered or changed so as to deceive or deprive the owner or owners of the correct value thereof, they may file with the Clerk of the District Court in any county where such mine, mill or reduction works are situated, complaint and affidavit, properly verified by the owner or owners of "one-quarter" interest in said mine or twenty-five per cent of the capital stock of any such corporation or company, and satisfactorily setting forth the facts upon which their belief of such collusion or fraud exists, and thereupon the Judge of any District Court of the proper county, or the Court Commissioner thereof, shall proceed to hear and determine the same or may order a reference to some suitable person or persons under the provisions of Section 184 to Section 189, Chapter XLVIII, Compiled Laws of Arizona.

SEC. 3. The plaintiff in any action under the provisions of this Act may prove any loss, detriment or damage resulting to him from the alleged fraudulent act of the persons, corporations or associations named in this Act, and the Court or referee may in any judgment rendered in such action, award to the plaintiff, such damages compensatory or punitive as to the Court or referee may seem just or proper.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 58.

AN ACT

To establish, maintain and provide for the Government of an Insane Asylum.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be established within and for the Territory of Arizona, an asylum for the insane, which shall be known by the name of the Insane Asylum of Arizona, and all buildings used therefor shall be erected upon the

lands to be hereafter obtained by the Directors hereinafter provided for, at or near the City of Phoenix, in the County of Maricopa, Territory of Arizona, and said Insane Asylum shall be constructed by and be, and remain under the control of said Directors of said Asylum, to be hereafter appointed in accordance with the provisions of this Act; *provided*, however, that said County of Maricopa, or said City of Phoenix, or some private person or persons, on or before the 1st day of January, 1886, shall first have conveyed, or cause to be conveyed to the said Board of Directors, as hereinafter provided for, and their successors in office, for the use and benefit of the Territory of Arizona and for said Asylum, not less than eighty acres of land, with sufficient water to irrigate the same, available for the purposes of such Asylum, and free from all incumbrances; and, if such land be not so donated on or before the 1st day of January, 1886, this Act shall be void and of no further force or effect.

SEC. 2. There shall be a Board of Directors of the Insane Asylum of Arizona, which shall consist of three persons, a majority of whom shall have the power to transact the business and perform all acts required of said Board. The qualifications of the members of said Board shall be the same as the qualifications of any person to entitle him to hold any Territorial office in this Territory; and they shall severally be nominated, and by and with the advice and consent of the Legislative Council appointed by the Governor of said Territory; and they shall severally hold office for the term of two for two years and one for four years, and until their respective successors shall have been in like manner appointed and shall have severally qualified therefor. Said Board shall adopt a common seal, and shall be known and designated as "The Directors of the Insane Asylum of Arizona," and by that name they and their successors shall be known in law, have perpetual succession, may sue and be sued, may receive and hold property, real and personal for the benefit of the Territory of Arizona and the use of said Asylum.

SEC. 3. Before entering upon the discharge of their duties each of the members of the Board of Directors of the Insane Asylum, shall execute a bond with two or more sufficient sureties to be approved by the Governor, in the penal sum of ten thousand dollars, and take and subscribe an oath of office similar to the oath required of other Territorial Officers, which bond and oath shall be filed by, and kept in the office of the Territorial Treasurer.

SEC. 4. The said Board of Directors shall have full power and authority to manage the affairs of the said asylum. Said Board shall as soon as practicable receive not less than eighty acres, as heretofore provided, for the use of said asylum, at or near the City of Phoenix, County of Maricopa, Territory of Arizona, and cause a draft of plans and specifications of such buildings as said Board shall deem necessary and proper to be erected for the use of said asylum, on said lands to be prepared, and to advertise for and receive sealed proposals for the furnishing the necessary material and for the erection of such buildings, and the contract shall be given to the lowest responsible bidder; *provided*, that the cost shall not exceed, when completed, the sum of seventy-five thousand dollars, including the purchase price of said lands, which shall have been purchased by said Board, and all furniture and improvements necessary for the use of said asylum; *and provided, further*, that said Board shall have power to reject any and all bids, and to re-advertise for bids as often as said Board shall deem it for the interest of the Territory and of said asylum so to do. And said board shall also have authority to purchase and cause to be placed in said buildings, and upon said grounds, all necessary furniture and appliances; and to make all necessary improvements upon said grounds, in order to render said grounds and buildings convenient and suitable for occupation and use as an Asylum for the Insane.

SEC. 5. That for the purpose of carrying out the provisions of this Act, a loan of one hundred thousand dollars is hereby authorized to be negotiated and made, on the faith and credit of the Territory of Arizona, and to bear interest at the rate of seven per cent per annum.

SEC. 6. The Treasurer of the Territory of Arizona, is hereby authorized and directed to issue and deliver to said Board of Directors of the the Insane Asylum of Arizona, and said Board of Directors of the Insane Asylum of Arizona, are hereby authorized to sell, not exceeding one hundred thousand dollars of the bonds of this Territory, bearing interest at seven per cent per annum, which interest shall be payable annually in lawful money of the United States, on the first Monday in January in each year, at the office of the Territorial Treasurer. The principal of said bonds shall be, and be expressly made payable in lawful money of the United States, within twenty years after the date of their issue, and shall be of such denomination as the said Board of Directors of the Insane

Asylum of Arizona shall direct, and shall bear the date of their issue, and shall be signed by said Treasurer of the Territory of Arizona, in his official capacity, and countersigned by the individual members of said Board of Directors of the Insane Asylum of Arizona, in their several official capacities, as members of said Board, and shall have the seal of said Board of Directors of the Insane Asylum of Arizona, affixed thereto; and the faith of the Territory of Arizona is hereby pledged for the payment of said bonds, and the interest accruing thereon, as herein provided.

SEC. 7. Coupons for the interest accruing on said bonds shall be attached thereto severally, so that they may be removed without injury, or mutilation to the bond. Said coupons consecutively numbered, shall be signed by the Territorial Treasurer.

SEC. 8. Said bonds shall be prepared and signed by the Treasurer of the Territory of Arizona, with said coupons attached thereto, and delivered to said Board of Directors of the Insane Asylum of Arizona, at any time hereafter, and as soon as practicable after said Treasurer shall have been requested by said Board of Directors so to do, taking the receipt of said board therefor.

SEC. 9. Sufficient money, not exceeding five hundred dollars, is hereby appropriated out of the general fund, for the payment of the expense incurred by the Territorial Treasurer in having said bonds prepared, to be expended only upon warrants to be drawn by the Territorial Auditor, only upon the verified certificate of the Territorial Treasurer, that the expense has been incurred, and that the claim is just.

SEC. 10. It shall be the duty of the Territorial Treasurer to keep and transmit to his successor, a permanent record of all bonds issued under the provisions of this Act, and it shall be the duty of said Board of Directors of the Insane Asylum of Arizona, also to keep a permanent record, in the office of said Board, of the number of bonds received by said Board; and of all bonds sold, the name of the purchaser, and the price received by said Board for all bonds sold by said Board under the provisions of this Act, and transmit to the Governor a certified copy of said record, as soon as said bonds shall have been sold.

SEC. 11. The Board of Directors of the Insane Asylum of Arizona is hereby authorized to demand of and receive from the

Treasurer the bonds authorized by this Act to be issued and sold, or such part of the same as in the judgment of said Board shall be necessary to carry out the purposes of this Act, and after the same shall have been countersigned by the members of said Board, the said Board is hereby authorized to sell said bonds for the purpose of constructing the necessary buildings, fences, superstructures and all other necessary improvements upon said lands, and to purchase and place in said buildings the necessary furniture and appliances to render such grounds and buildings suitable and convenient for occupation and use as an Asylum for the Insane. Any moneys received by said Board from the sale of said bonds and not expended under the provisions of this Act in purchasing and improving the grounds, constructing buildings and furnishing the same as herein required, shall be paid into the Territorial Treasury, and by the Treasurer placed in the "Insane Asylum Fund" by this Act created.

SEC. 12. Before the sale of any of said bonds, the said Board of Directors shall cause notice of such sale to be published, for the space of one month, in four daily newspapers published in English—one in the City of New York, State of New York, one in the City of San Francisco, State of California, one at the Territorial Capital, and one in the City of Phoenix, in said Territory. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day and hour of sale, and that sealed proposals will be received by the said Board of Directors for the purchase of said bonds within one month from the expiration of such publication, and at the place, on the day and hour named in said notice, the said Board of Directors shall open all sealed proposals received by it, and shall award the purchase of said bonds to the highest bidder or bidders therefor; *provided*, that said Board of Directors may reject any and all bids if they deem it to the advantage of the Territory; *and, provided further*, that they may reject any or all bids unless security shall be furnished by the bidder or bidders for the compliance with the terms of their bids, or if, in the judgment of said Board, such rejection will benefit the Territory; *provided*, they shall not in any event be sold for less than ninety-five cents on the dollar of their face value.

SEC. 13. For the payment of the interest on the bonds issued under this Act, after such bonds shall have been issued, there shall be and is hereby levied annually, in addition to all other taxes otherwise directed to be levied, a tax of ten cents

on each one hundred dollars of the assessed value of all real and personal property in the Territory of Arizona, to be placed by the Territorial Treasurer in a fund to be known as the "Insane Asylum Interest Fund," and commencing ten years thereafter, there shall be in like manner annually levied and collected such an additional amount, as shall pay ten thousand dollars of the principal of said bonds and any amount of interest accrued thereon and remaining unpaid by said interest fund, to the end that all of the principal and interest of all said bonds shall be fully paid during said period of ten years commencing at the expiration of said ten years after the issuing of said bonds. The Territorial Auditor shall certify the rate of tax computed by him to the several Boards of Supervisors throughout the Territory necessary to raise the required amount for the redemption of the bonds as above stated, and the said Boards of Supervisors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other Territorial and county taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by the provisions of this Section shall be paid into the Territorial Treasury and shall be applied:

First. To the payment of the interest on the bonds issued by the provisions of this Act.

Second. To the payment of the principal of such bonds; *provided*, that all moneys remaining in the Territorial Treasury after the payment of the interest in each year hereafter, for the first ten years after the issuance of any bonds under this Act, shall be transferred by the Territorial Treasurer to a fund which shall be known as the "Insane Asylum Fund," and the Territorial Treasurer is hereby authorized and directed to open a separate account with, and keep said moneys so transferred to said fund, and all other moneys which are paid into said fund, separate, and apply the same only in payment of warrants drawn by the Auditor in payment of the expenses of the maintenance of said Insane Asylum.

SEC. 14. Whenever, after the expiration of ten years from the date of issuance of any bonds under this Act, there remains after the payment of the interest, as provided in the preceding section, a surplus of ten thousand dollars or more,

it shall be the duty of the Territorial Treasurer to advertise for the space of one month, in like manner as said Board of Directors of the Insane Asylum advertise for bids as set forth in Section 12 herein, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge, and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then such fund shall remain in the Treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of such publication. Before any such bonds shall be paid they shall be presented to the Territorial Auditor, who shall endorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering the same.

SEC. 15. The Territorial Treasurer shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report, to be by the Governor laid before the Legislature biennially, and all books and papers pertaining to the matter provided in this Act, shall at all times be open to the inspection of any party interested, or the Governor, or a committee of either branch of the Legislature, or a joint committee of both.

SEC. 16. It shall be the duty of the Territorial Treasurer to pay the interest on said bonds when the same falls due, out of the said interest fund, if sufficient, and if said fund be not sufficient, then to pay the deficiency out of the general fund; *provided*, that the Territorial Auditor shall first draw his warrant on the Territorial Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due and payable out of the general fund, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.

SEC. 17. The said Board of Directors shall elect a Secretary and Treasurer of said Insane Asylum. The duties of said Secretary shall be to keep an accurate record of all proceedings of said Board, and to perform such other duties as shall be prescribed by the Board; and said Treasurer shall receive

and safely keep all moneys of said Board, and pay the same out on the warrants of said Board.

Before entering upon their duties said Secretary and Treasurer shall each severally take and subscribe an oath, in form similar to the oath required by law of Territorial officers; and said Secretary shall execute with two or more good and sufficient sureties to the Territory of Arizona, a bond in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office; and said Treasurer shall execute a similar bond to the Territory of Arizona, in the penal sum of ten thousand dollars, to be approved by said Board; said bonds shall be filed and kept in the office of the Territorial Treasurer.

SEC. 18. The compensation of all officers and other persons elected and employed by said Board shall be fixed by said Board.

SEC. 19. The compensation of the members of said Board shall be ten dollars per day each, for each day's actual attendance upon the said Board and in traveling to and from the place of meeting; *provided*, that no member of said Board shall receive compensation in any one year exceeding the sum of one hundred and fifty dollars, except for the year or portions of the same that they shall be engaged in the construction of the buildings hereinbefore provided, and for the days necessarily employed in the construction of such buildings and improvements, an amount not to exceed five hundred dollars to each resident Director, and not over one thousand dollars to each non-resident Director.

SEC. 20. The said Board of Directors shall employ and maintain in charge of said Asylum, a resident physician, who must be a college graduate in medicine and surgery, and have practiced his profession as such for not less than four years, and require of him a bond in the penal sum of five thousand dollars, with two or more good and sufficient sureties, conditioned for the faithful discharge of his duties, which are or shall be prescribed by law and by the by-laws enacted by said Board.

SEC. 21. The resident physician, who shall also be the superintendent, shall be the chief executive officer of the Asylum; he shall have the general superintendence of the buildings, grounds, and property, and the direction and control of all persons therein, subject to the laws and regulations estab-

lished by the said Board of Directors; he shall daily ascertain the condition of the patients and prescribe their treatment; he shall appoint, with the approval of said Board, so many assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the Asylum, prescribe their several duties and places, fix, with the approval of said Board, their compensation, and discharge any of them at his sole discretion; but in every case of discharge he shall forthwith record the same, with the reasons, under an appropriate head, in one of the books of the Asylum; he shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the Asylum; he shall cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the end of the year, and that the principal facts and results, with his report thereon, be presented to the Board of Directors immediately thereafter, that they may submit the same and a report therewith, to the next Legislature. The said resident physician shall reside within the Asylum, and shall at all times be in attendance at said Asylum, except when he may obtain leave of absence from the said Board of Directors.

SEC. 22. The said Board of Directors shall have power to make by-laws for their own government and the government of the Asylum, not repugnant to the laws of the United States or of this Territory; they shall cause to be kept a record of their proceedings, which shall at all times be open to the inspection of any citizen of the Territory. During the first week of each session of the Legislature, an annual report shall be submitted to the Legislature, showing the annual receipts and expenditures, the condition of the Asylum, the number of patients admitted during the year, the number remaining in the Asylum at the date of the report, and such other matters touching the general affairs of the Asylum as they may deem advisable. They shall make a thorough visi-

tation of the Asylum monthly. At the end of each year a full and detailed statement shall be drawn up by the Directors and submitted to the Legislature during the first week of the session thereof; they shall have stated meetings at least once a month, and a majority shall constitute a quorum to transact business.

SEC. 23. The said Board of Directors are hereby required to estimate monthly in advance for the ascertained and probable expenses of the Asylum, and the Auditor of the Territory is hereby directed to draw his warrant for the amount so ascertained in favor of said Board of Directors on the first day of each month, and the Treasurer of the Territory to pay the same out of the "Insane Asylum Fund." The Superintendent shall make all purchases for the use of the Asylum for cash and not credit or time; every voucher shall be taken, duly filled up at the time it is taken, and with every abstract of vouchers for money paid, there shall be proof on oath that the voucher was filled up and money paid therefore at the time the voucher was taken, which said vouchers shall be kept on file subject to inspection at all times, and presented to the Directors at their first monthly meeting thereafter, and the Board of Directors shall make all needful rules and regulations to enforce the provisions of this Section.

SEC. 24. That the said Board of Directors shall have power to cause to be received into and confined in said Asylum all persons who are insane and adjudged by competent courts and tribunals to be insane, and to be removed to and kept and confined in said Asylum all persons who have been adjudged insane and who are now or who shall hereafter be adjudged insane, and to be confined as insane persons, at the expense of the Territory, at the Asylum of Dr. Asa Clark, in the State of California, or elsewhere. In case any persons shall be received into said Asylum whose estates are chargeable with the expense of their keeping and maintenance, or whose friends are able and willing to defray the expense of their keeping and maintenance, the said Board of Directors shall fix the rates and amounts to be charged therefor, and collect and receive all moneys due therefor, and cause the same to be paid into the Territorial Treasury, and said Treasurer shall receive said moneys and place the same in a separate fund, to be known as the "Insane Asylum Fund" hereinbefore provided for.

SEC. 25. The Governor of the Territory, the Chief Justice of the Territorial Supreme Court, the Secretary of the Territory, the Superintendent of Public Instruction and the County Physician of Maricopa County shall, *ex officio*, constitute an Honorary Board of Directors for said Insane Asylum. The duties of said Honorary Board shall be to inspect said Insane Asylum, to investigate the books, accounts and doings of the Board of Directors and of all the officers of said Asylum, at least once a year, and to make a report thereof, together with such suggestions as they may deem proper, to the Governor of the Territory on or before January 1st of each year. Each of said Honorary Board of Directors shall receive a salary of fifty dollars per annum, payable out of the General Fund of the Territory, in the same manner as other Territorial officers are paid.

SEC. 26. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 27. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 59.

AN ACT

To create and establish a County Court in the County of Mohave, Territory of Arizona, define its jurisdiction, prescribe its procedure, to abolish the Probate Court of said county, provide for the transfer of its jurisdiction to the County Court, and for other matters incidental thereto and connected therewith.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There is hereby established and shall be in the County of Mohave, Territory of Arizona, a County Court, and for said Court a County Judge, who shall be an attorney and counsellor at law, and shall be a citizen of the United States and of this Territory, and shall have been a resident of the Territory for two years next preceding his appointment or election, shall be elected by the qualified voters of the County of Mohave at the general election to be held in the year 1886,

and at each alternate general election thereafter. The County Judge of said county shall hold his office for the term of four years from the first day of January next after his election. In case of a vacancy in the office by death, removal from the Territory, resignation, or by impeachment or removal, or from any other cause, the Governor of the Territory is hereby empowered to and shall appoint a County Judge (who shall have the qualifications required by this section) to fill such vacancy, and at the next general election thereafter a County Judge shall be elected to serve for four years from the first day of January next succeeding his election. Within three days after the passage of this Act the Governor shall, by and with the advice and consent of the Council of this Thirteenth Legislative Assembly, appoint, under the provisions of this Act, a County Judge in and for said County of Mohave, Territory of Arizona, who shall hold office until the first day of January, A. D. 1887.

SEC. 2. There shall be a County Clerk in and for said County of Mohave, who shall be elected at the general election to be held in 1886 and at each succeeding general election thereafter, who shall be the Clerk of the County Court, and who shall perform such other duties as may be hereafter imposed upon such office by law. In case of vacancy in said office from any cause whatever the Governor of the Territory shall fill the same by appointment for the remainder of the unexpired term. The County Clerk shall hold his office for two years from the first day of January next after his election or appointment as herein prescribed. Within three days after the passage of this Act the Governor shall appoint, by and with the advice and consent of the Legislative Council of the Thirteenth Legislative Assembly of Arizona, a County Clerk for said Mohave County, who shall be a resident of the county wherein he shall be appointed, and who shall hold his office until the first day of January, 1887. The County Clerk of said Mohave County shall give such bond to the Territory for the faithful performance of his duties in such sum as may be fixed by the Board of Supervisors of said county, to be not less than three thousand dollars and not to exceed five thousand dollars.

SEC. 3. The Sheriff of the county, by himself or Deputies, shall attend all sessions of the County Court, and serve and execute all writs, processes, mandates, orders and judgments of said Court to the same extent and in the same manner as

he is now in all other Courts, and in all other cases required by law to do.

SEC. 4. Said County Court shall be a Court of record, having a seal with the coat of arms of the Territory and "County Court, Mohave County, Arizona," sunk or engraved thereon, and said County Court shall have original, general, criminal and civil jurisdiction, except as hereafter limited, and shall have equal concurrent common law, equitable and statutory jurisdiction with the District Courts in all cases. The County Court of said Mohave County shall have original, concurrent jurisdiction with the District Court in all cases of equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one hundred dollars or more, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of all actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and all matters incidental thereto or connected therewith, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization, and to issue papers therefor. Said County Court shall have appellate jurisdiction in all cases arising in Justices and other inferior Courts or Boards in said Mohave County, in the same manner and to the same extent as is now allowed by law, on appeals from such Courts to the District Courts. The said County Court of Mohave County shall be always open (legal holidays and non-judicial days excepted), and its process shall extend to all parts of the Territory; *provided*, that all actions for the recovery of the possession of quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions is situated. Said County Court and the Judge thereof, shall have power to issue writs of mandamus, certiorari, injunction, prohibition, *quo warranto*, and habeas corpus on petition, by or on behalf of any person in actual custody in said Mohave County. Injunctions, writs of prohibition and habeas corpus may be issued and served on legal holidays and non-judicial days; and all Acts and parts of Acts granting and conferring jurisdiction to and upon the District Courts and prescribing their civil

and criminal procedure shall be and is, here made applicable to the County Court of Mohave County. Appeals shall be taken from the County Court to the Supreme Court of this Territory, in the same manner and in the same cases as are now allowed by law in appeals from the District and Probate Courts to the Supreme Court.

SEC. 5. The County Judge and the County Clerk shall reside at the county seat of said Mohave County, and the County Judge and County Clerk shall not be absent from said county more than thirty days during each calender year, and any greater absence than is herein allowed shall render the office vacant; which vacancy shall within fifteen days thereafter be filled by appointment as herein provided.

SEC. 6. The County Judge shall have the power to appoint a Court Commissioner, who shall have all the powers now conferred by law on the Court Commissioners of the District Courts and whose term of office shall last during the term of the County Judge. The compensation, fees or salary of the County Court Commissioner of Mohave shall be the same as the compensation, fees or salary of the District Court Commissioner.

SEC. 7. When the County Judge of said Mohave County is interested in any suit, matter or proceeding, pending in his Court; or has been attorney or counsel therein, or is related to either party thereto, he shall cease to further act upon the case, unless with the joint consent of all parties appearing upon the record, and the case, matter or proceeding, shall thereupon be certified to the District Court in and for said Mohave County, and full jurisdiction of the case, matter or proceeding shall rest in the District Court.

SEC. 8. The County Judge shall be a Magistrate of, for and within said County of Mohave, to the same extent, in the same cases and with the same powers granted by law to other Magistrates.

SEC. 9. The County Clerk of said Mohave County may appoint one or more deputies for whose acts he shall be responsible on his official bond. He shall keep such records, papers and files of his Court as are required by law to be kept by the Clerks of the District Court, and shall perform in and for the County Court and the Judge thereof the same duties that are now required by law of the Clerks of the District Courts in and for their respective Courts and Judges, and he shall

receive for his services the sum of five hundred dollars per annum in lieu of fees, and he shall charge the same fees as are now received by Clerks of the District Courts for similar services, and he shall pay the said fees into the General Fund of said Mohave County Treasury at the end of each and every calendar month, and he shall file therewith, with the County Treasurer a sworn statement in detail of the amount of fees received by him and the sources and persons from whence and whom received during the past calendar month, and he shall file a duplicate of said sworn statement with the Clerk of the Board of Supervisors at the same time, and he shall at the same time take receipts in duplicate of such payment from the County Treasurer, and shall thereupon file one of said receipts with the said Clerk of the Board of Supervisors.

SEC. 10. All persons charged with crime and held to bail or committed to custody by any Committing Magistrate within the County of Mohave, where such person is held or committed shall be held to appear or committed to custody and ordered to appear (and in the manner now provided by law) before the first Grand Jury of the District Court, or of the County Court of said county that shall be empanelled after such person is held or committed as aforesaid.

SEC. 11. The Probate Court of the County of Mohave shall continue to exist, and retain and exercise the jurisdiction now and heretofore held and exercised by such Courts and the Judge thereof, anything in this Act to the contrary notwithstanding, until the first day of January, A. D. 1887, at which time said Probate Court of Mohave County is hereby declared to be and shall be abolished, and the records and files, papers thereof, all causes and matters pending therein and the jurisdiction then held and exercised by the said Probate Court and the Judge thereof shall be transferred to the County Court of said Mohave County, and the said County Court shall thereupon and thereafter without any lapse of jurisdiction of any of said causes, or matters or jurisdiction so transferred have, hold and exercise said jurisdiction and proceed with all such cases, causes and matters and shall hear, determine and adjudge the same under the provisions of Chapters XXVI, XXVIII, XXIX, and all other Chapters of the Compiled Laws of Arizona, and of all other laws, Acts and parts of Acts conferring jurisdiction upon the Probate Courts or the Judges thereof, with the same powers, force and effect as said Pro-

bate Courts could and would exercise prior to the passage of this Act abolishing said Court and transferring its jurisdiction to the County Court of Mohave County as herein provided.

SEC. 12. The County Judge of Mohave County shall receive no fees or compensation whatever, other than the annual salary herein prescribed, which salary shall be two thousand four hundred dollars to be paid quarterly out of the general fund of the County.

SEC. 13. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

No. 60.

AN ACT

Providing compensation to J. F. Bostwick for services in arranging and cataloguing the Territorial Library.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the sum of two hundred and fifty dollars be and the same is hereby appropriated of the Funds of the Territory of Arizona to J. F. Bostwick for compensation for his services in cataloguing and arranging the Territorial Library.

SEC. 2. This Act shall and does authorize the Territorial Auditor, and he is hereby directed to draw his warrant in said sum of two hundred and fifty dollars in favor of the said J. F. Bostwick.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 10, 1885.

No. 61.

AN ACT

To amend an Act entitled "An Act to incorporate the City of Phoenix," approved February 25, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That an Act entitled "An Act to incorporate the City of Phoenix," approved February 25, 1881, be and the same is hereby amended so as to read as follows:

ARTICLE I.—OF THE CORPORATION.

SECTION 1. That the country embracing the North one-half of Section Eight, Township One North, Range Three East, Gila and Salt River Meridian, Maricopa County, Arizona Territory, heretofore known as the Townsite of Phoenix, in the County of Maricopa, and that portion of land adjoining said Phoenix Townsite on the west, known by the map on file in the County Recorder's Office in said Maricopa County as "Neahr's Addition to the City of Phoenix," shall be a city by the name of Phoenix, and the inhabitants residing therein shall be a corporation under the name and style of "The Common Council of the City of Phoenix," and by that name they and their successors shall be known in law, and shall have perpetual succession, may sue and be sued, plead and be impleaded, complain and defend in all courts and in all actions and proceedings, and may have a common seal and change the same at pleasure, may purchase, hold and convey real and personal property for the benefit of said city.

ARTICLE II.—OF THE OFFICERS.

SECTION 1. The officers of the City of Phoenix shall consist of one Mayor and four Councilmen, who, together, shall form the Common Council, one Recorder, one Treasurer, one Marshal, who shall be *ex officio* Assessor, Tax Collector, Street Commissioner, and Pound-master, and such other subordinate officers as the Common Council may appoint, *provided* that it shall be unlawful for any officer of said City Government to be in any manner interested in, or a party to any contract or agreement for any purpose whatever, to which the Common Council of the city of Phoenix is a party, or to which any officer of said City Government is a party, in behalf of the Common Council of the City of Phoenix; and any contract or agreement

for any purpose whatever, to which the Common Council of the City of Phoenix, or to which any officer of said City Government is a party, on behalf of said Common Council of the City of Phoenix, or in which any officer, agent, or employé of said City Government is in any manner either directly or indirectly interested, shall be void and of no effect, as against said City Government.

ARTICLE III.—OF DEEDS AND ORDINANCES.

SECTION 1. And be it further enacted, that all deeds of conveyance heretofore made by the Probate Judge of Maricopa County, so far as they relate to property in said Townsite, are hereby declared to be legal and valid conveyances.

ARTICLE IV.—OF RIGHTS OF SUCCESSION.

SECTION 1. The incorporation created by this Act shall succeed to all the legal rights and claims of the Phoenix Townsite, and shall be subject to all the liabilities incurred and all the obligations created by said Phoenix Townsite.

ARTICLE V.—OF ELECTIONS.

SECTION 1. The city shall be divided into four wards, bounded as follows: First ward, all that portion of the city lying north of Washington Street and east of Center Street. Second ward, all that portion lying north of Washington Street, west of Center Street and east of Neahr's Addition. Third ward, all that portion lying south of Washington Street and west of Center, together with the whole of Neahr's Addition. Fourth ward, all that portion south of Washington Street and east of Center Street.

ELECTION WHEN.

SEC. 2. On the first Tuesday in May in the year A. D. 1885, and each and every succeeding year thereafter, a charter election shall be held at which the legally qualified voters of said city shall elect a Mayor, two Councilmen a City Treasurer and a City Marshal. The Mayor, City Treasurer and City Marshal shall hold their respective offices for the term of one year, and until their successors are duly elected and qualified, and the two Councilmen so to be elected annually shall hold their respective offices for the term of two years and until their successors are duly elected and qualified. *Provided*, however, that at the annual election held on the first Tuesday of May, A. D. 1885, there shall be four Councilmen elected one from each ward, the Councilmen from the first and third

wards to hold their respective offices for the term of two years, and the Councilmen from the second and fourth wards to hold their respective offices for one year and thereafter the two Councilmen annually elected shall be from the wards in which the vacancies occur by expiration of term, each of said Councilmen shall reside in and be elected by the qualified voters of the ward for which he is elected. All other elective officers to be elected by the qualified voters of said city at large.

ELECTION PRECINCTS.

SEC. 3. Each ward of the city shall constitute an election precinct for municipal elections, the voting places therein to be designated by the Common Council.

INSPECTOR AND JUDGES OF ELECTION.

A member of the Common Council shall act as inspector at each precinct with the assistance of two judges of election to be designated by the Common Council. The inspector and judges may appoint such clerks as may be deemed necessary. All laws of the Territory in relation to the election and canvass of votes certifying to the election of officers and notifying them of their election, shall apply to such elections in said city so far as they are applicable and not inconsistent with the provisions of this Act.

ARTICLE VI.—OF CANVASSING THE VOTES.

SECTION 1. The judges and inspectors of elections of the several wards shall within twenty-four hours after such election cause the votes and tally lists together with their certified returns of said election to be filed in the office of the City Council and on the second day after said election the Common Council of the City of Phoenix shall meet at their office and canvass the votes of said city. Shall openly declare the result, and shall make out and subscribe a certificate of such canvass, which certificate shall show the whole number of votes cast at such election, the number cast for each person voted for, and the office for which he shall have been voted for, which certificate shall be recorded in the Journal of said City Council.

ARTICLE VII.—OF QUALIFICATIONS OF ELECTORS.

SECTION 1. All persons who are electors of the County of Maricopa shall be deemed electors of this city, *provided* such

elector is a resident of the city, and shall have resided therein for a period of ninety days next preceding any city election, and the Common Council may provide by ordinance for the registration of names of the electors of the city, and for the revision of the same from time to time as it may deem necessary.

ELIGIBILITY TO OFFICE.

SEC. 2. No person not an elector shall be eligible to any office under the provisions of this Act; and the person eligible and having the greatest number of votes at any election herein provided for shall be declared elected.

ARTICLE VIII.—OF SPECIAL ELECTIONS.

SECTION 1. The Common Council shall order a special election to fill any vacancy that may occur in the Council, or may fill by appointment any of the subordinate offices mentioned in this Act, that may become vacant; but no special election shall be held until at least ten days' notice shall have been given of the time and place of holding the same, and the office to be filled.

ARTICLE IX.—OF NOTICE OF ELECTION.

SECTION 1. It shall be the duty of the Recorder of said city to give at least ten days' notice in writing, by posting the same in at least three public places in said city, of the time and place of holding all elections, or publishing the same in some newspaper published in said city.

ARTICLE X.—OF THE OATH OF OFFICE.

SECTION 1. Every officer elected in said city, shall within ten days after he shall have been notified of his election, take and subscribe the oath of office prescribed by law, before any person authorized by law to administer oaths, and shall file the same with the Recorder of said city.

ARTICLE XI.—OF APPOINTMENTS.

SECTION 1. The Common Council may appoint a night-watchman and such other subordinate officers as they shall deem necessary, and shall define their duties and fix their compensation.

SEC. 2. The Common Council shall also define the duties of the Treasurer, Marshal, Recorder and other officers, and

shall prescribe such fees and compensation as it may deem just. The Marshal shall receive a salary of seventy-five dollars per month, and may retain from the fees collected by him in criminal cases a sum sufficient to make his salary one hundred dollars per month, and no other compensation shall be allowed to said city Marshal for any services whatever; and the city Recorder shall receive a salary of thirty-five dollars per month and fifteen dollars per month for office rent, and no more.

ARTICLE XII.—OF MEETINGS.

SECTION 1. The Mayor and Council shall meet on the first Monday in every month, and they may adjourn from time to time. The Mayor shall call special meetings at any time.

SEC. 2. At all meetings of the Council, the Mayor, when present, shall preside, and shall vote on all questions. In the absence of the Mayor, the Council may elect one of their members to preside.

SEC. 3. A majority of the Council shall constitute a quorum, and a less number shall not transact any business.

SEC. 4. The sittings of the Council shall be open to the public. A journal of their proceedings shall be kept by the Recorder, under their direction, and the yeas and nays, on the passage of any ordinance, shall be taken and entered on the journal.

ARTICLE XIII.—OF GENERAL POWERS OF THE COMMON COUNCIL.

SECTION 1. The Common Council of said city shall have control of the finances and all the property, real and personal, belonging to the corporation, and shall likewise have power within the limits of the city.

First. To erect, purchase, or hire necessary buildings for the use of the corporation.

Second. To appropriate moneys, and to provide for the payment of the debts and expenses of the city; but shall not mortgage, pledge, or hypothecate any of the real or personal property of the city for any purpose whatever.

Third. To have and exercise exclusive control over the streets, alleys, avenues, and sidewalks of the city; to give names to the same; to prevent the incumbering thereof; to

abate, remove, and prevent all obstructions, incumbrances and nuisances thereon; to widen, straighten, grade, extend, clean, or otherwise regulate and improve the same; to open, lay out, and improve new streets; to protect all streets, alleys, lanes, commons, and other property from encroachment, and punish by fine the offenders; to provide the city with water by purchasing the same from ditch or canal companies, or by means of wells or reservoirs, or irrigating ditches within or beyond the limits of the city, and to sell and dispose of the same to the occupants or proprietors of lots within the limits of the city for irrigating and domestic purposes, and to prevent and punish the filling up or obstructing of its ditches and canals, or interference therewith by any person or persons whomsoever, or the appropriation thereof by any person or persons not entitled thereto; to regulate and require the bridging of irrigating and other ditches at the crossings thereof, by the owners thereof; to provide for the prevention and extinguishment of fires; to regulate the storage of gunpowder and all other explosive materials, and prescribe the limits within which the same may or may not be kept; to provide for the inclosing, improving and protecting the public grounds and cemeteries, whether within or without the city limits; to plant trees on the same and along the streets, and on the public grounds in the city, and to punish by fine or imprisonment, or both, persons who shall injure or destroy such trees or plants; to establish and regulate all cemeteries; to remove the same, and the bodies contained therein, to such a place outside of the city limits as they may provide; to establish and maintain a hospital within or beyond the limits of the city; to provide measures to prevent the introduction or spread of contagious, loathsome or infectious diseases within the city; to remove any person or persons who have a contagious, loathsome or infectious disease to a hospital prepared for such patients; to enact quarantine laws and to enforce the same within the city, and in all places within two miles thereof; to define and abate nuisances, and punish the authors thereof; to compel the owner or occupant of any house or premises, to clean the grounds appurtenant thereto; to remove from the immediate vicinity of the inhabited parts of the city all slaughter houses and define the boundaries within which they shall not be kept; to prevent, suppress and punish horse-racing and immoderate riding or driving in the streets; to prevent, suppress or punish any riot, affray, disorderly noise or disturbance in any street or public or private place in the city; to prevent the running at large of all horses, cattle, swine, sheep or goats within the city, and to

authorize the impounding and sale of the same when found running at large contrary to ordinance; to impose penalties on the owners thereof; to regulate, restrain and prohibit the running at large of dogs, to authorize their destruction when at large contrary to any ordinance of the Council, and to impose penalties on the owners thereof; to provide for the licensing, regulating, restraining, suppressing and prohibiting, or either, of any or all express wagons or hacks for carrying passengers to or from any public entertainments within or without the city limits, hawkers, peddlers, pawnbrokers, dance cellars, melodeons, public fairs and feasts within the city, concerts, theatrical performances, cock-fighting, shows, circuses, billiard tables, bowling and ten-pin alleys, faro banks, gaming with cards, games of chance, gambling houses, tables or stands, bawdy houses, the keeping of bees within the city limits, and any and all noxious and offensive, immoral, indecent or disreputable places, business and practices, or either, in said city; also to license the carrying on and conducting of any and all professions, trades, callings, occupations or other business by any person, natural or artificial, within the corporate limits of said city; to fix the amount of license tax thereon and to be paid by such person therefor, at such sums respectively as the said Council shall think equitable and just, and may, in the name and for the benefit of the said corporation, enforce in such manner as it may see proper to prescribe, the payment of such license taxes by suit, either with or without attachment, in the proper Court under the laws of this Territory, or by fine or imprisonment, or either, or in such other manner as in said ordinance may be provided; also to provide by ordinance for the prevention of vagrancy within said city, and for the punishment, confinement, imprisonment and employment, or either, of any and all persons having no visible and reputable means of support or leading idle and dissolute lives; also to prescribe by ordinance the limits within said city within which no bawdy house shall be kept, or disreputable or immoral practices or amusements shall be carried on, and to do all other acts necessary to preserve the health, order and good government of the city.

SEC. 2. The Common Council shall have power to purchase lands adjoining or beyond its corporate limits, for the use and benefit of the city, and may plat, sell, and convey the same in such quantities and upon such terms as it may deem to be for the interest of the city, and may, by ordinance, extend the corporate boundaries and authority of the city over such lands or territory.

SEC. 3. The Common Council shall have power to levy and cause to be collected, annually, upon the assessed value of the real and personal property within the city, (except such as may be by law exempt from taxation), a city tax of not exceeding half of one per cent, and to provide for the collection of, and the enforcement of payment of all taxes by seizure and sale of the property. Every tax so levied, shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute from the date of such levy, a lien upon the real property situated in said city, so assessed to, or owned by the party against whom such assessment is made. Every such assessment and the lien thereof, shall have the force and effect of an execution duly levied upon all property owned by the party assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged, until all the taxes assessed against the property and the owners, are paid or the property sold for the payment thereof.

POWER TO COLLECT MONTHLY LICENSE TAX.

SEC. 4. The Common Council shall have power to levy and cause to be collected, a monthly license tax on every traveling merchant, or peddler, or solicitor, or person who sells goods by sample, or solicits orders for goods representing foreign houses; to direct and control the laying and constructing of railroad tracks, bridges, switches or sidewalks in the streets of the city; to require the same to be so laid and constructed by the railroad company, as to interfere as little as possible with the ordinary travel and use of the streets; to regulate the speed of locomotives within the limits of the city; to make from time to time all ordinances, orders and resolutions necessary or proper, for carrying into effect these or any other powers which may be vested by law in the corporation; to enforce the observance of such ordinances, and to punish violation thereof.

SEC. 5. The office of any member of the Common Council shall be declared vacant by a quorum of the Council whenever such Councilman shall have absented himself from four consecutive regular meetings of the Council, without leave of absence duly granted, or other reasonable cause for such absence, and the office of Marshal, Treasurer, and any subordinate office created and filled by appointment of the Common Council, shall be declared vacant by resolution of said Council, whenever either of such officers shall be incompetent

or unfaithful in the discharge of the duties of his office. The Common Council may make provision for the care and custody of all persons sentenced to fine or imprisonment; also to establish, fix, prescribe and regulate the salaries, fees and compensation of all officers and employees of the city, except, when otherwise provided for by this Act; and also upon motion or otherwise, to appropriate moneys to pay the debts, liabilities and expenditures of the city, or any part thereof, and from any funds applicable thereto; also, to provide for surveys of blocks, streets or lands within the limits of said city, and to declare such surveys official, and compel all persons to conform to the lines of said streets as now are or may be hereafter established; also, to provide for the arrangement and preservation of the records, papers, and archives of said city; and also to exercise and carry out, and execute, such other power and authority as is given to said corporation by this Act, either expressly or by implication, and not otherwise specially delegated, and to make, pass and adopt for such purposes such laws, rules and regulations as shall be necessary therefor; also, to punish any member or other person, by fine, not exceeding one hundred dollars, or by imprisonment in the city jail or other place of confinement, not exceeding ten days, for disorderly or improper conduct committed in their presence, when in session at any meeting. And the finance committee of the Common Council, or any special committee thereto appointed by themselves, or with aid of any accountant selected by said committee, shall have power at any time to examine the books of the Treasurer, and to inspect any count, and all public moneys under his control or on deposit elsewhere.

The Common Council may, in its discretion, create the office of City Attorney, and provide for his compensation, or may from time to time employ such attorneys and counsellors at law, as it may deem necessary in the conduct of the affairs of the city.

ARTICLE XIV.—OF THE POWERS AND DUTIES OF CITY OFFICERS.

SECTION 1. It shall be the duty of the Mayor to communicate to the Common Council quarterly, a general statement of the situation and condition of the city in relation to its finances and improvements; to recommend the adoption of such measures as he may deem necessary for the good government, health, cleanliness, and general improvement of the city; to countersign all warrants and licenses issued under the ordinances of the Council; to preside over the Council when

present at their sittings ; to maintain the peace and good order of the city ; to see that the by-laws and ordinances are executed ; to exercise a supervision over the subordinate officers, and to examine into any complaint that may be preferred by any citizen.

SEC. 2. It shall be the duty of every Councilman to attend the regular and special meetings of the Council ; to appoint one of their number to preside in the absence of the Mayor ; to act efficiently when appointed on committees ; to aid in maintaining peace and good order in the city, and in enforcing the by-laws and ordinances of the Common Council. The Mayor and Councilmen shall not receive any compensation for their services as such.

SEC. 3. The Marshal shall be a constable for the city, and shall be *ex officio* Assessor, Tax Collector, Road Commissioner and Poundmaster. As Constable, he may serve any process issued by the Recorder, or by any Justice of the Peace, or other officer by virtue of this Act ; and the same fees shall be charged and collected for the benefit of the city as Constables are allowed for similar services, and shall be entitled to the same privileges, and subject to the same liabilities as Constables in the discharge of similar duties.

SEC. 4. The Marshal shall perform the duties required of him by the Common Council ; shall see that the by-laws and ordinances are observed, and that the streets, alleys, lanes and commons are kept clean and unobstructed ; may arrest any disorderly person or persons for violating any of the ordinances, and may take them before the Recorder, or any Justice of the Peace in the city, for trial. He shall pay all moneys collected by him and belonging to the city, to the City Treasurer, and shall report the same to the Common Council. He shall give bonds for the faithful performance of his duties.

SEC. 5. The Marshal as *ex officio* Assessor, shall assess the real and personal property within the city at such time and in such manner as the Common Council may direct ; he shall be Collector of the licenses and revenues of the city ; he shall pay over to the Treasurer all sums of money collected by him as Tax Collector, within ten days after such sums shall have been collected, and shall take receipts therefor, and file the same with the Recorder ; he shall give such bonds as the Common Council may require, for the faithful performance of his duties as Assessor and Tax Collector, and shall

receive such compensation as Assessor and Tax Collector as the Council may prescribe.

SEC. 6. The Marshal's duties and compensation as Poundmaster shall be defined by ordinances of the Common Council.

SEC. 7. As *ex officio* Street Commissioner under the instructions of the Common Council, the Marshal shall have control of all improvements of streets, commons and cemeteries, and shall collect the street tax in conformity to ordinances of the Common Council.

DUTIES OF TREASURER.

SEC. 8. It shall be the duty of the City Treasurer to receive all moneys belonging to the city; to keep an account of all receipts and expenditures in such a manner as the Council may direct, and he shall, whenever required by the Common Council, present them with a full account of such receipts and expenditures for any period designated by the Council. All moneys drawn from the City Treasury shall be drawn in pursuance of an order of the Common Council, by warrant signed by the Mayor and countersigned by the Recorder, and such warrant shall specify for what purpose the amount therein specified is paid.

TREASURER'S ANNUAL SETTLEMENT, WHEN.

SEC. 9. The Treasurer shall, on the second Monday in May in each year, make an annual settlement with the Common Council, and the warrants paid and cancelled by him shall be his vouchers for money expended by him, and he shall turn over to his successor all books, papers and money belonging to the Treasurer's office, and shall take receipts therefor and file the same with the Common Council. He shall, if all his accounts are found correct, be discharged from his bonds by an order to be entered on the journals of the Council. The Treasurer shall give bonds in such sums as the Common Council may require for the faithful discharge of his duties, and shall be allowed no compensation for his services.

POWER TO APPOINT RECORDER.

SEC. 10. The Recorder shall be appointed by the Common Council from among the qualified electors residing in the city. He shall have the same powers, authority and jurisdiction as a Justice of the Peace within the city, inquiring into, hearing

and determining all offenses committed within the limits of the city against any of the by-laws or ordinances or regulations of the Common Council, and to punish the offender or offenders in such manner as may be prescribed by such by-laws, ordinances and regulations.

DUTIES OF RECORDER.

SEC. 11. It shall be the duty of the Recorder to keep the corporate seal and also all papers and documents belonging to the city, and to file the same in his office under appropriate heads; to attend the sittings of the Common Council and keep a journal of all their proceedings, and to record in the proper books all the by-laws and ordinances passed by the Common Council; to sign all warrants and licenses issued by order of the Council, and to keep an account in an appropriate book of all the licenses issued, and to whom issued, and the amount of each; to keep an account of all orders or warrants drawn on the Treasurer, and to charge the Treasurer with all moneys paid to him by the Marshal or Recorder. He shall charge the Marshal, as Collector of Taxes, with the amount of the tax-roll and blank license receipts, and shall credit the Marshal, as Collector, with the Treasurer's receipts; he shall charge the Marshal, as Street Commissioner, with the road-tax receipts and credit him with the Treasurer's receipts; he shall do and perform all other services required of him by this Act. The Recorder shall keep a docket in which shall be entered by title all causes which shall be brought before him by the City Marshal to be heard and determined. Under the title of each cause shall be entered the date when the complaint was made and filed, and by whom it was made, the nature and character of the offense charged and a full and correct account of all proceedings had in the case, and the determination thereof, including the judgment of the Recorder and what disposition was made of the defendant, if fines and costs were paid, the amount thereof and what disposition was made of such fines and costs.

ARTICLE XV.—OF STREET TAX.

SECTION 1. An annual street tax of one dollar is hereby levied, on each and every male inhabitant over twenty-one and under sixty years of age, residing within the corporate limits of said city, and payable to the Marshal as Street Commissioner, on demand, or in lieu thereof, one day's work, the party owing the same, furnishing a pick and shovel, and performing said labor under the direction of the Marshal, as Street Commissioner.

ARTICLE XVI.—OF ADDITIONAL POWERS.

SECTION 1. The Common Council shall have power to enact ordinances relative to every subject matter named or referred to in this Act, and to prescribe penalties for violations of said ordinances.

SEC. 2. The Common Council shall have power, by ordinance, to compel the owners of vacant lots within the city to keep the same clean. The City Marshal shall keep a book in which shall be entered the full name of all persons arrested by him, or under his direction, the date of the arrest, and the cause for which the person was arrested, whether confined or admitted to bail, whether convicted or acquitted, and if a fine shall be imposed, the amount thereof, and how satisfied. The date of defendant's discharge and by what authority.

ARTICLE XVII.—OF BOOK OF ORDINANCES.

SECTION 1. The Common Council shall provide a book to be styled the "Book of Ordinances" in which shall be transcribed all ordinances and by-laws of the Council, each of which shall be signed by the Mayor, and attested by the Recorder, and shall before taking effect, be published or posted for a period of not less than ten days.

ARTICLE XVIII.—MISCELLANEOUS PROVISIONS.

SECTION 1. Any Justice of the Peace residing within said city, may be and is hereby authorized and empowered to inquire into, hear and determine all offences committed within the limits of the city, against any of the by-laws, ordinances and regulations of the Common Council, and to punish the offender or offenders as prescribed by such by-laws and ordinances.

SEC. 2. The Marshal, and he as *ex officio* Assessor, Tax Collector, Road Commissioner, and Poundmaster, Recorder, and such other officers as may be appointed, shall receive such compensation for their services as the ordinances and by-laws shall direct.

PUBLICATION OF QUARTERLY STATEMENT.

SEC. 3. The Common Council shall, at the expiration of each quarter, cause to be published a true statement of all moneys received, and from what source, and of all moneys expended, and for what purpose.

WITNESS—WHEN COMPETENT.

SEC. 4. In all actions, suits, and proceedings wherein the Common Council of said city shall be a party, no citizen thereof shall be deemed an incompetent witness or juror, on account of the interest of such citizen in the event of such action, suit, or proceeding; *provided* that such interest be only such as is held in common with the citizens of said city.

SERVICE OF PROCESS AGAINST CORPORATION.

SEC. 5. Process against said corporation may be served by reading the same to and leaving an attested copy with the Mayor or Recorder of said city, *provided* that the first process shall be a summons served at least ten days prior to the return day thereof.

FORM AND PUBLICATION OF ORDINANCES.

SEC. 6. The style of the city ordinances shall be as follows: "The Common Council of Phoenix do ordain as follows:" All ordinances shall be published in a newspaper printed in the city, if there be one, but if there be none, then by posting the same in three conspicuous places in the city.

CORPORATION NOT LIABLE.

SEC. 7. The said corporation shall not be liable to any one, or for any loss or injury to person or property growing out of, or caused by the malfeasance, misfeasance, or neglect of duty of any officer, or other authorities of said city; or for any injury or damages happening to such person or property on account of the condition of any zanja, sewer, cesspool, street, sidewalk, or public ground therein; but this does not exonerate any officer of said city, or any other person, from such liability, when such casualty or accident is caused by the willful neglect of duty enforced upon such officer or person by law, or by the gross negligence or willful misconduct of such officer or person in any other respect.

SEC. 8. Unless otherwise provided in this Act, the Mayor and Council, or either, when authorized by this Act to adopt any ordinance or resolution, or make any rules or regulations, such municipal authority so empowered shall have the further power, and is hereby authorized, to provide that each and every violation of such ordinance, resolution, rules or regulations, shall be, and constitute a misdemeanor, and may prescribe as a punishment thereof, to be imposed upon any person found

guilty thereof, a fine not exceeding \$500, a term of imprisonment not exceeding six months, or both such fine and imprisonment.

EQUALIZATION OF TAXES.

SEC. 9. The Common Council shall provide by ordinance, for the equalization of taxes levied and assessed under the provisions of this Act, and when sitting as a Board of Equalization may hear, determine upon complaints duly filed, matters concerning the assessment and valuation of any property within the city, and may increase or diminish such valuation upon good grounds shown therefor, and may remit and strike from the assessment roll, the assessment of any tax improperly assessed or that is not collectable, or when the enforcement would involve peculiar hardships.

REDEMPTION OF REAL PROPERTY.

SEC. 10. All real property sold for taxes under the provisions of this Act may be redeemed by such persons, and redemptioners within such time and upon such terms as is now or may hereafter be provided by law, for the redemption of property sold for the satisfaction of Territorial and county taxes in this Territory.

ARTICLE XIX.—OF BONDS AND INDEBTEDNESS.

SECTION 1. The Common Council shall not create any indebtedness or incur any liabilities greater in any one year, than the revenues derived under the provisions of this Act, in such year.

SEC. 2. If the Council shall deem it advisable to make improvements, the cost of which, added to the other expenditures, shall exceed the annual revenue, they shall submit the proposition to the legal voters of the city by publishing the same for thirty days in some newspaper published within the city, and if sixty per cent of the votes polled shall be in favor of such proposition, the improvements may be made, provision first having been made for the payment thereof.

ISSUING OF BONDS.

SEC. 3. If the Council shall deem it advisable to issue bonds for any specific purpose, payable at some future time, they shall first submit the proposition to the legal voters of

the city by publishing the same for thirty days in some newspaper in the city, setting forth clearly for what purpose and on what conditions the bonds are proposed to be issued, and if seventy per cent of the legal votes polled shall be in favor of issuing the bonds, then the bonds may be issued on terms and conditions contained in the proposition; *provided*, that no greater interest than eight per cent per annum shall be paid upon any bonds issued or indebtedness incurred by the Common Council of the City of Phoenix issued under the provisions of this Section.

SEC. 4. If the legal voters of the city shall, in the manner provided in the preceding Sections of this Article, authorize the making of improvements beyond the amount of the current revenues, as provided in Section 2 of this Article, or shall authorize the issuing of city bonds as contemplated in Section 3 of this Article XIX, then for the purpose of providing a revenue for the payment of said improvements or of the interest and principal of said bonds, the Common Council of said city shall have the power to levy and cause to be collected an additional annual tax of not exceeding one-half of one per cent on all the taxable property in said city, said tax to be levied and collected in such manner as shall be provided by ordinance.

SEC. 5. That out of the revenue of the city derived from licenses, fines or city taxes collected, or moneys received for the sale of water, the City Treasurer shall retain twenty-five per cent of all moneys so received after the passage of this Act, and place the same in a separate fund, to be known as the "Water Stock Redemption Fund," and when sufficient money has accumulated in said fund it is hereby made the duty of the Common Council to draw its warrant and apply said money in the payment of a certain note given by the Common Council to Kales & Lewis or M. W. Kales by the order of the Common Council, for which two shares in the Salt River Valley Canal, belonging to said city, are held by the said M. W. Kales as collateral security, and as security for the assessments on the same, paid by the said M. W. Kales or Kales & Lewis, and when said two shares are so redeemed they shall not be pledged or sold for any purpose, but shall be held by the city and voted at the elections of the Salt River Valley Canal Company by the Mayor as representing the interest said city has in said canal, and after said stock is so redeemed, all moneys in the fund established in this Section shall be returned to the General Fund of the city.

SEC. 6. All Acts of the Legislature relating to the City of Phoenix, and all city ordinances, resolutions and other regulations now in force and not inconsistent herewith shall be and remain in full force after this Act takes effect until changed or repealed by the proper authority, and all rights vested under any former Act or regulation, when this takes effect, shall not hereby be lost, impaired or discharged, and all Acts and proceedings commenced in any Court wherein the City of Phoenix is a party shall be continued under the law existing when said action or proceeding was commenced.

ARTICLE XX.

SECTION 1. All of the provisions of an Act entitled "An Act to incorporate the City of Phoenix," approved February 25, 1881, so far as they conflict with or are inconsistent with the provisions of this Act are hereby repealed.

SEC. 2. This Act shall take effect from and after its passage.

Approved March 11, 1885.

No. 62.

AN ACT

To create the office of County Assessor, to make the County Treasurer, *ex officio* Tax Collector, and prescribe the salaries and duties of certain county officers of Cochise County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in and for the County of Cochise, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 2. Within thirty days after the passage of this Act it shall be the duty of the Governor to appoint a County Assessor in, and for, said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his office, shall execute a bond to the Territory of Arizona in the penal

sum of ten thousand dollars, with two or more sureties, to be approved by the Board of Supervisors of said county.

SEC. 3. The condition of said bond shall be in substance as follows: "Whereas the above bounden (insert name of Assessor) hath been elected (or appointed, as the case may be) to the office of County Assessor of the County of Cochise. Now, therefore, the condition of the above obligation is such that if the said ——— shall well, truly and faithfully in all things perform and execute the office of County Assessor of said County of Cochise during his continuance in office, without fear or favor, fraud, deceit or oppression, and shall pay over all moneys that may come into his hands as such County Assessor, then the above obligation to be void; otherwise to remain in full force and effect.

SEC. 4. It shall be the duty of the County Assessor, created by this Act, to perform all the functions heretofore imposed upon and performed by the Sheriff of Cochise County when acting as Assessor, and to collect all poll taxes as have heretofore been collected by the Tax Collector.

SEC. 5. The County Assessor shall receive for his own use, as full compensation for all services rendered by him or his deputies pursuant to this Act, the following salary per annum, and none other, to be paid whenever the duties of making the assessment of the property is completed, in each year, to wit: eighteen hundred (\$1,800) dollars.

SEC. 6. The County Treasurer of Cochise County shall be *ex officio* Tax Collector, in and for Cochise County, and perform all the duties heretofore imposed upon the Sheriff of said county as *ex officio* Tax Collector, in the collection of taxes listed upon the tax roll, and it shall be his duty to proceed to collect the taxes therein mention, and for that purpose shall post notices in three conspicuous voting precincts in the county notifying the tax payers that their taxes for the current year are due and payable at the office of the Tax Collector of the county, and must be paid on or before the third Monday of December following, under a penalty of five per cent to be added thereto, and shall also publish a like notice in that newspaper published in the county having the largest circulation within the county, once a week for eight weeks prior to said third Monday of December, which said notices shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 7. It is hereby made the duty of the Board of Supervisors of Cochise County to provide safe and suitable vaults for the deposits of all County moneys, and the duty of the County Treasurer, and *ex officio* Tax Collector to keep all of said moneys therein. If the County Treasurer and *ex officio* Tax Collector shall keep any moneys of the County in a private bank, or other private place of deposit, or loan or use said moneys for his own gain, or the gain of another, he shall be deemed guilty of a felony, and upon conviction he shall be punished by imprisonment in the Territorial prison for a term not less than one nor more than ten years.

SEC. 8. The County Treasurer and *ex officio* Tax Collector of Cochise County shall receive to his own use as full compensation for all services rendered by him or his deputies, as Treasurer and *ex officio* Tax Collector, the following salary, per annum, in lieu of all percentage heretofore allowed, to be paid in quarterly installments, at the end of each quarter, to wit: thirty-five hundred (\$3,500) dollars.

SEC. 9. The Sheriff of Cochise County shall receive to his own use, as full compensation for all services rendered by him or his deputies, except as hereinafter provided in this Section, the following salary to wit: eight thousand (\$8000) dollars per annum; *provided*, however, he shall in addition to the salary above established, receive for his own use all rewards paid to him for the apprehension, arrest, or conviction of criminals, and shall be entitled to, and receive for his own use, mileage, at the rate of fifteen cents per mile for each and every mile actually and necessarily traveled in the pursuit of criminals, and in the execution of all other criminal process, and the same shall be a County charge and payable out of the general fund, the same as other County charges are paid; and the Board of Supervisors may, in case of riot or other emergency, allow and pay the Sheriff for such additional help as he may require to perform the work of his office to the satisfaction of the people.

SEC. 10. The County Recorder of Cochise County shall receive to his own use, as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: twenty-five hundred dollars (\$2,500).

SEC. 11. The District Attorney of Cochise County shall receive to his own use, as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: three thousand dollars (\$3,000); *provided, however*, that when required by any Justice of the Peace distant from the county seat to appear and prosecute on behalf of the people in any preliminary examination, shall be allowed mileage at the rate of fifteen cents per mile for every mile necessarily traveled by the most practicable route, to be paid from the General Fund as other claims against the county are paid.

SEC. 12. The Clerk of the District Court in and for Cochise County shall receive to his own use, as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: \$2,000.

SEC. 13. The Probate Judge of Cochise County shall receive to his own use, as full compensation for all services rendered by him as Judge of the Probate Court and *ex officio* County Superintendent of Public Schools, and as Clerk of the Probate Court, including all services rendered by deputies, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: \$2,000.

SEC. 14. Nothing in this Act contained shall be so construed as to take away or affect the right of any officer herein mentioned, from demanding, collecting and receiving the fees of his office now or hereafter allowed by law and paying the same into the County Treasury, as hereinafter required; *provided, however*, that no officer shall charge against the county, nor shall the county allow or pay any fee, salary or per diem other than as provided for by this Act.

SEC. 15. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, and Clerk of the Probate Court of the County of Cochise, authorized by law to receive any fees, compensation or percentage, for official services of himself or deputy, or deputies, shall keep a fee book in which he shall enter an exact and full account in detail of all fees, commissions or compensations and percentages of whatever nature or kind by him or his deputies, earned and collected, with the date, the name of the payer, and the nature of the service in each case. Immediately after the close of his

official term he shall deposit said book in the office of the Clerk of the Board of Supervisors. On the first Monday in January, April, July and September, respectively in every year, each of the officers, before mentioned, shall file in the office of the Clerk of the Board of Supervisors, a sworn statement in writing of the amount of fees, commissions, compensations and percentage earned and collected by him, or his deputies for official services during the three calendar months ending on the last day of the previous month. If any said officer shall hold more than one office he shall keep a separate fee book for each office, and shall make separate statements of each. The Clerk of the Board of Supervisors is hereby required to make an abstract of the amount of fees, compensation and percentage, returned to him, as having been earned and collected by the respective officers named in this Section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory, in the month of January of each year, to be by him filed, kept and preserved in his office for the inspection of the public, Territorial officers and the Legislatively Assembly, as other public records and documents. Every officer mentioned in this section who shall willfully fail or neglect to file such statement, as required by this section, shall be removed from his office by the Board of Supervisors of the County, and be guilty of a misdemeanor, and upon conviction thereof, in any Court of competent jurisdiction, shall be fined in any sum not exceeding five thousand dollars.

SEC. 16. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, Clerk of the Probate Court, of the County of Cochise, shall on the first Monday of each month in each year, pay into the County Treasury, all money collected and received by them severally for fees, commissions, compensation or percentage of their several offices during the month next preceding, and take the receipts of the County Treasurer in duplicate therefor, and forthwith file such duplicate receipt with the Clerk of the Board of Supervisors. Said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors as a permanent file of his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him, as required by the provisions of this section, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the Territorial Prison for a term not less than one nor more than ten years.

SEC. 17. It shall be the duty of every officer mentioned in the last two preceding Sections of this Act to collect, in advance, all fees, commissions, compensation, and percentage allowed and authorized by law.

SEC. 18. The Board of Supervisors of Cochise County shall prescribe the number and compensation of all employees in and about the County Jail, and shall allow, and pay, the said employees, in the same manner as other charges against the County are allowed and paid.

SEC. 19. All fees paid to the County Treasurer by virtue of this Act shall be by him placed in a fund to be known as the "General Salary Fund," and all warrants drawn by the Board of Supervisors for salaries, as provided in this Act, shall be drawn on said Salary Fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn upon demand, the Board of Supervisors are hereby authorized to transfer, from the General Fund of the County to said Salary Fund, so much money as may be necessary to pay said warrants.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after April 1, 1885, except Sections 1, 2, 3, 4 and 5, which shall take effect from and after its passage.

Approved March 11, 1885.

No. 63.

AN ACT

To create the Office of County Assesor, to make the County Treasurer *ex officio* Tax Collector, and prescribe the salaries and duties of certain County Officers of the County of Mohave.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be elected in and for the County of Mohave, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 2. Within thirty days after the passage of this Act, it shall be the duty of the Governor of the Territory of Arizona to appoint a County Assessor in and for said County, who shall hold the office of County Assessor in and for said County until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his office, shall execute a bond to the Territory of Arizona in the penal sum of two thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors of said County.

SEC. 3. The condition of such bond shall be in substance as follows:

"WHEREAS, The above bounden (insert name of Assessor) hath been elected (or appointed, as the case may be) to the office of County Assessor of the County of Mohave; now, therefore, the condition of the above obligation is such that if the said _____ shall well, truly and faithfully in all things perform and execute the office of County Assessor of said County of Mohave during his continuance in office, without fear or favor, fraud, deceit or oppression, and shall pay over all moneys that may come into his hands as such County Assessor, then the above obligation to be void; otherwise to remain in full force and effect."

SEC. 4. It shall be the duty of the County Assessor created by this Act to perform all the functions heretofore imposed upon and performed by the Sheriff of the County of Mohave when acting as Assessor, and to collect all poll taxes as have heretofore been collected by the Tax Collector.

SEC. 5. The County Assessor of the County of Mohave, Territory of Arizona, shall receive to his own use, as full compensation for all services rendered by him or his deputies, pursuant to this Act, the following salary per annum, and none other, to be paid whenever his duties of making the assessment of property is completed, in each year, to wit: The sum of seven hundred dollars; *provided, however*, that he shall in addition to the salary above established, receive for the collection of personal property tax or taking a bond for the payment thereof, the same fees as have been heretofore allowed the Sheriff when acting as County Assessor and Tax Collector, and fifty cents for every poll tax collected.

SEC. 6. The County Treasurer of the said County of Mohave shall be *ex officio* Tax Collector in and for said Mohave

County, and shall perform all the duties heretofore imposed upon the Sheriff as *ex officio* Tax Collector, in the collection of taxes listed upon the tax roll, and it shall be his duty to proceed to collect the taxes therein mentioned, and for that purpose he shall post notices in three conspicuous voting precincts in the County notifying the taxpayers that their taxes for the current year are due, and payable at the office of the Tax Collector of the County, and must be paid on or before the third Monday in December following, under a penalty of five per cent to be added thereto; and shall also publish a like notice in that newspaper published in the County (if there be any newspaper published therein), having the largest circulation within the County, once a week, for eight weeks, prior to the said third Monday of December, which said notices shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 7. It is hereby made the duty of the Board of Supervisors of said Mohave County to provide a safe, or a suitable vault for the deposit of all County moneys, and the duty of the County Treasurer and *ex officio* Tax Collector to keep all of said moneys therein. If the County Treasurer and *ex officio* Tax Collector shall keep any moneys of the County in a private bank, or other private place of deposit, or loan, or use said moneys for his own gain, or the gain of another, he shall be deemed guilty of felony, and upon conviction, he shall be punished by imprisonment in the Territorial prison for a term not less than one nor more than ten years.

SEC. 8. The County Treasurer and *ex officio* Tax Collector of said Mohave County shall receive to his own use as full compensation for all services rendered by him or his deputies, as Treasurer, and *ex officio* Tax Collector, the following salary per annum, in lieu of all percentage heretofore allowed, to be paid in quarterly installments at the end of each quarter, to wit: the sum of two thousand dollars, and he shall not collect or receive any percentage whatever for the collection of taxes, except such percentage as is required by law to be paid upon delinquent taxes.

SEC. 9. The Sheriff of said Mohave County shall receive to his own use, as full compensation for all services rendered by him or his deputies, except as hereinafter provided in this section, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: five thousand five hundred dollars; *provided*, however, he shall, in addition

to the salary above established, receive for his own use all rewards paid to him for the apprehension, arrest or conviction of criminals, and in case he renders other services outside of his County, or in the transportation of convicts to the penitentiary, or insane persons to California, the Board of Supervisors must allow him the amount of his actual expenses, and the same shall be paid from the General Fund of said County, and the Board of Supervisors of said County of Mohave may, in case of riot or other emergency, allow and pay the said Sheriff for such additional help as may be required to perform the work of his office to the satisfaction of the people. *Provided, further*, that said Sheriff shall receive for each and every mile actually and necessarily traveled, within his County, by himself, or his deputies, in the discharge of his duties as Sheriff, in any criminal case, mileage, at the rate of fifteen cents per mile, for each and every mile so actually and necessarily traveled, to be paid out of the General Fund of the County as other claims against the County are paid; and said Sheriff shall further receive and retain for his own use, all amounts paid to him as mileage, in any civil case, as is now provided by law; and said Sheriff shall further be allowed all necessary keepers' fees, in civil cases, but in no case shall he be allowed more than four dollars per day for each keeper.

SEC. 10. The County Recorder of said Mohave County shall receive to his own use, as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments, at the end of each quarter, to wit: the sum of two thousand dollars.

SEC. 11. The District Attorney of said Mohave County shall receive to his own use, as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: the sum of one thousand six hundred dollars. *Provided, however*, that whenever required by any Justice of the Peace, distant from the County seat, to appear and attend any preliminary examination before such Justice, he shall be allowed mileage at the rate of fifteen cents per mile for every mile necessarily traveled, by the most practicable route, to be paid from the general fund as other claims against the County are paid.

SEC. 12. The Clerk of the District Court of said County of Mohave shall receive to his own use, as full compensation

for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments, at the end of each quarter, to wit: six hundred dollars.

SEC. 13. The Probate Judge of said Mohave County shall receive to his own use as full compensation for all services rendered by him as Judge of the Probate Court, *ex officio* Superintendent of Public Schools and as Clerk of the Probate Court, including all services rendered by deputies, the following salary per annum to be paid in quarterly installments at the end of each quarter, to wit: Eight hundred dollars.

SEC. 14. Nothing in this Act contained shall be so construed as to take away or effect the right of any officer herein mentioned from demanding, collecting and receiving the fees of his office, now or hereafter allowed by law and paying the same into the County Treasury, as hereinafter required, *provided, however*, that no officer shall charge against said Mohave County, nor shall said County of Mohave allow or pay any fee, percentage or per diem other than the salaries provided for by this Act.

SEC. 15. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge and Clerk of the Probate Court of said Mohave County, shall each keep a fee book in which he shall enter an exact and full account in detail of all fees, mileage, commissions and percentages of whatever nature or kind, by him or his deputies, earned, and collected, with the date, the name of the payer, and the nature of the service in each case. Immediately after the close of his official term he shall deposit said book in the office of the Clerk of the Board of Supervisors of said County of Mohave. On the first Monday in January, April, July and September, respectively in every year he shall file in the office of the Clerk of the Board of Supervisors of said county a sworn statement in writing of the amount of fees, commissions, compensations and percentage earned and collected by him or his deputies for official services during the three callender months ending on the last day of the previous month. If any person occupying any of said offices shall hold more than one office, he shall keep a separate fee book for each office, and shall make separate statements for each. The Clerk of the Board of Supervisors of said Mohave County is hereby required to make an abstract of the amount of fees, compensation and percentage returned to him as having been earned and col-

lected by the respective officers named in this Section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory in the month of January of each year, to be by him filed, kept and preserved in his office for the inspection of the public, Territorial officers and the Legislative Assembly as other public records and documents. Every officer mentioned in this Section who shall willfully fail or neglect to file such statement as required by this Section shall be removed from his office by the Board of Supervisors of said Mohave County and be guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction shall be fined in any sum not exceeding five thousand dollars.

SEC. 16. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, Clerk of the Probate Court of said County of Mohave shall on the first Monday of each month in each year pay into the County Treasury of the said County of Mohave, except as in this Act otherwise provided, all money collected and received by them severally for fees, commissions, compensation or percentage, of their several offices during the month next preceding, and taking the receipt of the County Treasurer in duplicate therefor and forthwith file such duplicate receipt with the Clerk of the Board of Supervisors, said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors upon file in his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him as required by the provisions of this Section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Territorial Prison for a term not less than one nor more than ten years.

SEC. 17. It shall be the duty of every officer mentioned in the last two preceding Sections of this Act to collect in advance all fees, commissions, compensation, and percentage allowed and authorized by law.

SEC. 18. The Board of Supervisors of said Mohave County shall prescribe the number and compensation of all employees in and about the County Jail of said Mohave County, and shall allow and pay the said employees in the same manner as other charges against the County are allowed and paid.

SEC. 19. All fees paid to the County Treasurer of said Mohave County by virtue of this Act shall be by them placed in a

fund to be known as the "General Salary Fund," and all warrants drawn by the Board of Supervisors for salaries, as provided in this Act, shall be drawn on said Salary Fund; and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn upon demand, the Board of Supervisors are hereby authorized to transfer from the General Fund of the County to said Salary Fund so much money as may be necessary to pay said warrants; and if at any time the amount of money in said Salary Fund is more than sufficient to pay the warrants so drawn upon said fund, the Board of Supervisors are hereby authorized to transfer such amounts as they may deem proper from said Salary Fund into the General Fund of the County.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after April 1, 1885, except Sections 1, 2, 3, 4, and 5, which shall take effect from and after its passage.

Approved March 11, 1885.

No. 64.

AN ACT

To provide for the building of a levee on the west bank of the Gila River at the Village of Yuma.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Governor of the Territory of Arizona by and with the consent of the Legislative Council is hereby authorized and directed to appoint a Board of Commissioners to consist of three residents of the County of Yuma; which Board of Commissioners under the provisions of this Act are hereby authorized and directed to erect a levee on the west bank of the Gila River at the Village of Yuma at a cost not to exceed the sum of ten thousand (\$10,000) dollars.

SEC. 2. The Board of Supervisors of the County of Yuma are hereby authorized and required at their first regular meeting after the passage of this Act to issue bonds of said County in such form and of the denomination of one thousand dollars each, not to exceed in the aggregate the sum of ten thousand dollars, with proper coupons attached, payable fifteen years after the date of the issuance thereof and to bear interest at

the rate of eight per cent per annum, the said interest payable yearly at the office of the Treasurer of said County on the 31st day of December of each year until said bonds are redeemed. The said bonds to be sold by the said Board of Commissioners, by virtue of this Act, created from time to time as said Board of Commissioners may deem proper at a price not less than ninety-five per cent of their par value, and the proceeds to be paid into the Treasury of said County, and there to constitute a special fund to be called the Levee Building Fund, to be used in the erection of the said levee as herein provided; and the said Board of Commissioners shall render an account and report to the Board of Supervisors of all bonds sold and the amounts received therefore, and shall pay all such amounts to the Treasurer of said County for the uses and purposes by this Act provided.

SEC. 3. After any of said bonds are sold, and until all bonds sold are redeemed, the said Board of Supervisors are hereby authorized and required, in addition to the amount of taxes now or which may be hereafter required by law to be levied and collected for other purposes, and at the same time and in the same manner as other taxes are levied and collected, to levy and collect or cause to be collected each year a special tax of sixteen and one-half cents on each one hundred dollars of all taxable property in said County of Yuma, with which to pay interest due or to become due on said bonds, and to provide a Sinking Fund for the payment and redemption thereof at such time and in such manner as the said Board of Supervisors may direct. The said taxes so levied and collected to be paid into the Treasury of said County as are other taxes, and there to constitute a Special Fund for the payment of interest upon and redemption of said bonds as herein provided.

SEC. 4. It shall be the duty of the Treasurer of said County of Yuma, after the payment of the yearly interest of said bonds, as in this Act provided, to ascertain the balance remaining from the taxes so collected by virtue of this Act, and to set aside the same for a Sinking Fund, for the redemption of said bonds, and whenever the same shall amount to more than one thousand dollars the said Treasurer shall apply the same to the payment of said bonds, according to the priority of the members thereof, after giving notice thereof to the holders of such bonds, by publication in some newspaper of said County for a period of thirty days, and such bonds shall cease to bear interest from the time of such notice.

SEC. 5. The bonds issued under the provisions of this Act shall be signed by the Chairman of the Board of Supervisors of said County and countersigned by the Clerk thereof, with the seal of said Board affixed thereto, and delivered to the Treasurer of said County, and by him delivered to the said Board of Commissioners, as in this Act created, as the same may be required by the said Board. And the said Treasurer of said County shall keep a register of said bonds, showing the number and amount of each bond, and shall charge himself with full amount received for all such bonds and shall deliver to the said Board of Commissioners all such bonds or such part thereof as the said Board of Commissioners may require under the provisions of this Act.

SEC. 6. It shall be left to the discretion of the said Board of Commissioners to sell or cause to be sold, the said bonds, as herein provided, or to use the same in the payment of the erection and building of the said levee, as the said Board of Commissioners may deem most advisable in carrying out the provisions of this Act; *provided, however*, that said bonds, nor the money arising from the sale thereof, shall not be used for any other purpose than is in this Act provided, *and, provided further*, that the printing of said bonds and the expenses of the plans and specifications of said levee may be paid out of the fund created by this Act, if the said Board of Commissioners shall so order and direct.

SEC. 7. Upon the payment by the Treasurer of any interest upon any of said bonds he shall cancel and detach coupons equal to the amount so paid by him, and whenever said Treasurer shall pay any of said bonds he shall cancel the same, noting thereon the date of said cancellation, and such coupons and bonds so cancelled as aforesaid, shall be the vouchers for the said Treasurer in his settlements with the Board of Supervisors as to his transactions under and by virtue of this Act.

SEC. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 65.

AN ACT

Entitled "An Act to provide for the transportation of the insane of the Territory of Arizona."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The Boards of Supervisors of counties of this Territory are hereby directed and authorized, when necessary, to contract with the lowest responsible bidder for the transportation of Insane persons of their respective counties to the Insane Asylum designated by the Territory of Arizona.

SEC. 2. All Acts and parts of Acts in conflict with the above are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 66.

AN ACT

Amendatory of Section 1 of Chapter XXXIII of the Compiled Laws of Arizona of an Act entitled, "To provide Revenue for the Territory of Arizona and the several counties thereof," approved February 12, 1875.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 1 of Chapter XXXIII of the Compiled Laws of Arizona of an Act entitled "To provide Revenue for the Territory of Arizona and the several counties thereof," approved February 12, 1875, be amended so as to read as follows, to wit: The annual *ad valorem* tax of thirty-five cents upon each one hundred dollars value of taxable property is hereby levied, and directed to be collected and paid for Territorial purposes, upon the assessed value of all property in this Territory not by this Act exempted from taxation; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered to levy and collect, for county purposes, such additional and special taxes, not exceeding two dollars upon each one hundred

dollars value of taxable property, as the laws of this Territory may authorize or require them to levy and collect.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 67.

AN ACT

Authorizing the County Superintendent of Public Schools of the County of Yavapai to pay a certain claim.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whereas, that on or about the first day of June, in the year 1883, W. W. Houston was legally authorized to teach the Round Valley School in the County of Yavapai, and that owing to a severe accident he could not continue his labors begun, and appointed to teach, in his stead, his sister, Miss Fannie Houston; and whereas, Miss Fannie Houston did conduct and teach the Round Valley School for a period of three months, to the entire satisfaction of the Board of Trustees and patrons of said school; therefore,

SEC. 2. It is hereby ordered that the County Superintendent of Public Schools of the County of Yavapai shall pay to the said W. W. Houston the sum of two hundred and seventy dollars, being three months' pay as teacher due to him at the authorized rate of ninety dollars per month.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 68.

AN ACT

To amend Section 7 of Chapter LXI of the Compiled Laws of Arizona, entitled "Miscellaneous Provisions," approved Nov. 10, 1864.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 7 of Chapter LXI of the Compiled Laws of Arizona is hereby amended to read as follows :

§ 7. The Common Law of England so far as it is consistent with and adapted to the natural and physical condition of this Territory, and the necessities of the people thereof, and not repugnant to, or inconsistent with the Constitution of the United States, or Bill of Rights, or laws of this Territory, or established customs of the people of this Territory, is hereby adopted and shall be the rule of decision in all the Courts of this Territory.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 69.

AN ACT

To make the County Treasurer of Gila County *ex officio* Tax Collector.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The County Treasurer of Gila County shall be *ex officio* Tax Collector in and for the said County of Gila, and perform all the duties heretofore imposed upon the Sheriff as *ex officio* Tax Collector in the collection of taxes listed upon the tax roll. And it shall be his duty to collect the taxes therein mentioned, and for that purpose shall publish in

a newspaper within said County at least eight weeks preceding the third Monday in December in each year, notifying the taxpayers that their taxes for the current year are due and payable at the office of the Tax Collector of said County, and must be paid on or before the third Monday of December following, under a penalty of five per cent to be added thereto, which said notice shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 2. The Tax Collector as prescribed in Section 1 of this Act shall receive such reasonable compensation as the Board of Supervisors of said County may deem proper.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after April 1, 1885.

Approved March 11, 1885.

No. 70.

AN ACT

To amend Section 21 of Chapter X of the Compiled Laws of the Territory of Arizona, entitled "Of Crimes and Punishments."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Section 21 of Chapter X of the Compiled Laws of the Territory of Arizona, entitled "Of Crimes and Punishments," shall be and is hereby amended to read as follows :

§ 21. Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart. All murder which shall be perpetrated by means of poison or lying in wait, torture or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery or burglary shall be deemed murder of the first degree, and all other kinds of murder shall be deemed murder of the second degree ; and the jury before whom any person charged with murder shall

be tried, shall, if they find such person guilty thereof, designate by their verdict whether it be murder of the first or second degree, but if such person shall be convicted on confession in open Court the Court shall proceed by examination of witnesses to determine the degree of the crime, and give sentence in case of murder of the first degree of death or of imprisonment for life as in his judgment may be just and proper, and in cases of murder of the second degree shall give sentence in accordance with the provisions of this Section. In every case of a person or persons convicted of murder of the first degree the jury may in their verdict affix the penalty of death; and every person or persons convicted of murder of the first degree shall suffer death if the jury affix the penalty of death in their verdict; and if the jury do not affix the penalty of death in their verdict, every person or persons convicted of murder of the first degree shall suffer imprisonment in the Territorial Prison for life. Every person convicted of murder of the second degree shall suffer imprisonment in the Territorial Prison for a term not less than ten years and which may extend to life.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 71

AN ACT

To amend an Act, entitled, "An Act to amend an Act, entitled, An Act fixing the compensation to be allowed to the Sheriffs of the several Counties for the performance of their duties as *ex officio* County Assessors, approved February 8, 1877," approved March 6, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona.

SECTION 1. That Section 1 of said Act be, and the same is hereby amended, by striking out the word "forty," in the

clause, "In the County of Pinal, ten dollars per day for forty days," and inserting the word "fifty" in place of said "forty."

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 72.

AN ACT

To repeal Section 2, of an Act, entitled, "An Act to provide for the care of indigent persons," approved February 9. 1875.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section two (2), of an Act, entitled, "An Act to provide for the care of indigent persons" be, and the same is hereby repealed in so far as it applied to the County of Mohave.

SEC. 2. That all warrants drawn in favor of any person or persons for supplies, attendance or care of the indigent sick, blind, old or decrepit shall hereafter be drawn on the General Fund of said County, and paid out of said fund in the same manner as other warrants.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 73.

AN ACT

To amend Section 10, Chapter VI, entitled "Of County Treasurers," Compiled Laws of Arizona Territory.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 10, Chapter VI, Compiled Laws of Arizona be amended by striking out all the words after "bear," and insert the words: "Seven per cent per annum; *provided*, that nothing herein contained shall apply to warrants heretofore issued and now outstanding."

SEC. 2. This Act shall take effect and be in force from and after its passage.

SEC. 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11, 1885.

No. 74.

AN ACT

In relation to the militia organizations of the Territory of Arizona, fixing the salary of the Adjutant General, and providing for meeting in part the expense of armory rent, uniforming the militia, etc., etc.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Adjutant General shall receive an annual salary of two hundred dollars, payable out of the Territorial Treasury upon his own requisition, approved by the Governor.

SEC. 2. Each militia company, duly organized under the militia laws of the Territory, shall receive six hundred dollars annually, payable in monthly installments of fifty dollars each month, out of any funds in the Territorial Treasury not otherwise appropriated. The said monthly installments to be paid upon the requisition of the Captain of each militia company, the same being accompanied by vouchers approved by the Adjutant General and Governor, showing that said amount has been expended in payment of armory rent and uniforms.

SEC. 3. The annual sum of fifty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated and set apart for the purposes of this Bill.

SEC. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed, and this Act shall take effect and be in force from and after its passage.

Approved March 11, 1885.

No. 75.

AN ACT

To establish a Public School System and to provide for the maintenance and supervision of Public Schools in the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

TERRITORIAL BOARD OF EDUCATION.

SECTION 1. The Territorial Board of Education shall consist of the Governor, the Territorial Treasurer, and the Superintendent of Public Instruction, of which the Governor shall be President, and the Superintendent of Public Instruction Secretary.

SEC. 2. The Board shall meet at the call of the Secretary, at the capital of the Territory, not less than once in each year, and a concurrence of a majority of all the members of the Board shall be necessary to the validity of any act of the Board.

SEC. 3. The powers and duties of the Board are as follows :

First. To adopt rules and regulations not inconsistent with the laws of the Territory, for its own government, and for the government of the public schools and school libraries.

Second. To devise plans for the increase and management of the Territorial School Fund.

Third. To prescribe and enforce the use of a uniform series of text-books in the public schools.

Fourth. To prescribe and enforce a course of studies in the public schools.

Fifth. To adopt a list of books for school libraries.

Sixth. To grant (1) educational diplomas, valid for six years; and (2) life diplomas.

Seventh. To revoke, for immoral conduct, or evident unfitness for teaching, Territorial diplomas.

Eighth. To adopt and use, in the authentication of its acts, an official seal.

Ninth. To keep a record of its proceedings.

SEC. 4. Territorial educational diplomas shall be issued to such persons only as have held a first grade Territorial or County certificate for at least one year, and who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years.

SEC. 5. Every application for a Territorial diploma must be accompanied by a certified copy of a resolution adopted by the Territorial Board of Examiners, recommending that the same be granted.

SEC. 6. Life diplomas must be issued upon all and the same conditions as educational diplomas, except that the applicant must furnish satisfactory evidence of having been successfully engaged in teaching for at least ten years.

SEC. 7. All diplomas issued by said Board shall be signed by a majority of the members of said Board.

SEC. 8. Every person receiving a Territorial diploma must pay to the Board five dollars, to defray the expenses of issuing said diploma.

TERRITORIAL BOARD OF EXAMINERS.

SEC. 9. The Territorial Board of Examiners shall consist of the Superintendent of Public Instruction, and two competent persons appointed by him, a majority of whom shall constitute a quorum.

SEC. 10. The Superintendent of Public Instruction shall be Chairman of the Board.

SEC. 11. The Board must meet at such times and places as the chairman directs, and must hold at least two sessions in each year.

SEC. 12. The Board has power :

First. To adopt rules and regulations governing the examination of applicants for Territorial certificates, and for the government of County Boards of Examiners.

Second. To prepare questions for the use of County Boards of Examiners.

Third. To grant recommendations for life and educational diplomas.

Fourth. To grant Territorial certificates of the first grade, valid for four years.

Fifth. To grant Territorial certificates of the second grade, valid for three years.

Sixth. To review an order granting or revoking a County certificate.

Seventh. To revoke for immoral conduct or unfitness for teaching, any certificates issued by it.

Eighth. The Board may, at the expiration of the time for which they were granted, renew certificates for a like period for which they were originally granted.

SEC. 13. Every applicant for a first grade Territorial certificate must be examined by written and oral questions in algebra, geography, history and Constitution of the United States, physiology, natural philosophy, orthography, defining, penmanship, reading, method of teaching, grammar, arithmetic, and the School Laws of Arizona. Applicants for a second grade certificate shall not be required to pass an examination in algebra, physiology, or natural philosophy.

SEC. 14. The standing in each study must be endorsed upon the certificate, otherwise it is not a valid certificate.

SEC. 15. Normal school diplomas from any State Normal school in the United States, and life diplomas issued by the State Board of Examination or Education in any of the United States, must be recognized by this Territory as *prima facie* evidence of fitness for teaching; and the Board may, on application of the holders thereof, issue, without examination, Territorial certificates, and fix the grade thereof.

SEC. 16. The holders of diplomas are eligible to teach in any public school of the Territory.

SEC. 17. Holders of Territorial certificates are eligible to teach as follows:

First. Those of the first grade in grammar schools.

Second. Those of the second grade in primary schools and as assistants in grammar schools, except in the first grades.

SEC. 18. The members of the Board shall each receive an annual salary of fifty dollars, payable out of the Territorial School Fund on the warrant of the Territorial Auditor.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 19. It is the duty of the Superintendent of Public Instruction:

First. To superintend the public schools of this Territory.

Second. To investigate all accounts of school moneys kept by any Territorial, County or District officer.

Third. To apportion, subject to the supervision of the Territorial Board of Education, to the several counties, on the second Monday of January, June and September of each year, or whenever there are two thousand dollars in the Territorial School Fund, the amount of money to which each county may be entitled under the provisions of this Act, according to the number of persons between the ages of six and eighteen years as shown by the last census lists of the several counties, and to furnish each County Treasurer and County Superintendent with an abstract of such apportionment. He shall also certify such apportionment to the Territorial Auditor, and, upon such certificate, the Auditor shall forthwith draw his warrant on the Territorial Treasurer in favor of the County Treasurer of each county for the amount due said county.

Fourth. He shall prescribe suitable forms and regulations for making all reports, for conducting all necessary proceedings under this Act, and shall cause the same, with such instructions as he may deem necessary and proper for the organization and government of schools, to be transmitted to the County Superintendents for distribution to the District officers and teachers, who shall be governed in accordance therewith. He shall prepare a convenient form of school register, for the purpose of securing accurate returns from teachers of public schools, and shall furnish each County Superintendent with a number sufficient to supply at least one copy thereof to

each district or school of such county. He shall also supply such blank teachers' certificates as may be prescribed for the use of the County boards of examiners. He shall certify the cost of printing said blanks, registers and certificates, together with the postage or expressage necessary to convey them to the County Superintendents, to the Territorial Auditor, who shall draw his warrant on the Territorial Treasurer in favor of the person to whom said amount is due, and the Treasurer shall pay said warrant out of any money in the treasury to the credit of the Territorial School Fund, provided the cost of printing said blanks and books shall not exceed the sum of six hundred dollars annually.

Fifth. To visit the different counties and inquire into the condition of the public schools therein; and the actual traveling expenses thus incurred, provided they do not exceed the sum of five hundred dollars per annum, shall be audited and paid out of the Territorial School Fund, in the same manner as other claims are audited and paid.

Sixth. To make a printed report on or before the first day of December preceding each regular session of the Legislature, to the Governor, who shall transmit a copy thereof to the Legislature. Said report shall contain a full statement of the condition and amount of all funds and property appropriated for the purposes of education, the number and grade of schools in each county, the number of children in each county between the ages of six and eighteen years, the number of such attending public schools; also the number of children between the ages of eight and fourteen years, the average number of children that have attended the public schools during the two school years previous to July 1st of that year, the number attending private schools, the number that can read and write, the amount of school money appropriated to each county, the amount of school money raised by county taxation, district taxation, or otherwise; the amount expended for salaries of teachers, and for building of school-houses; a statement of plans for the management and improvement of public schools, and such other information relative to the educational interests of the Territory, as he may deem expedient.

Seventh. To have the law relating to public schools printed in pamphlet form, and annex thereto such forms as he may be unable to supply in the shape of blanks; also the course of study, rules and regulations of schools, a list of books as may be recommended by the Territorial Board of Education for

school libraries, and such suggestions on school architecture as he may deem useful.

Eighth. To supply school officers and teachers, school libraries and the Territorial library with one copy each of the pamphlet mentioned in the preceding subdivision.

Ninth. To appoint in each county within this Territory a County Board of Examiners, composed of the County Superintendent, who shall be *ex officio* chairman of the Board, and two competent persons. The Superintendent of Public Instruction shall have power to remove said examiners, upon good cause shown, except the *ex officio* chairman thereof, and to fill vacancies in said Board.

Tenth. To authenticate, with the official seal of the Board of Education, all writings and papers issued from his office.

SEC. 20. To deliver over, at the expiration of his term of office, to his successor, all property, books, documents, maps, records, reports and other papers belonging to his office, or which may have been received by him for use of his office.

SEC. 21. The office of the Superintendent of Public Instruction shall be at some place where there is a postoffice, and he shall receive a salary of two thousand dollars per annum, which shall be paid quarterly out of the Territorial School Fund, upon warrants drawn by the Auditor.

COUNTY SCHOOL SUPERINTENDENTS.

SEC. 22. The Probate Judge of each county in this Territory is hereby made *ex officio* County Superintendent of Public Schools for his county.

SEC. 23. It shall be the duty of the County Superintendent of each county :

First. To apportion the school moneys to each district of his county, and notify the Treasurer of the amount apportioned to each district.

Second. On the order of the Board of Trustees to draw his warrant on the County Treasurer for all necessary expenses against the School Fund of any district ; the warrants must be drawn in the order in which the vouchers therefor are filed in his office. No warrant shall be drawn unless the money is in the fund to pay it, and no warrant shall be drawn upon

the order of the Board of Trustees, against the County School Fund, for any district, except for teachers' salaries, unless such order is accompanied by an itemized bill showing the separate items, and the price of each in payment for which the order is drawn, nor shall any warrant for teachers' salaries be drawn, unless the voucher shall state the monthly salary of the teacher, and the name of the school month for which such salary is due. Upon receipt of such voucher, the County Superintendent shall draw his warrant upon the County Treasurer, in favor of the parties, and for the amounts stated in such voucher; provided, that no warrants shall be drawn in favor of any school district or teacher thereof, unless monthly reports or fractional reports of a month for that district have been filed with the County Superintendent; to keep open to the inspection of the public a register of warrants, showing the fund upon which the warrants have been drawn, the number thereof, in whose favor, and for what service drawn, and also a receipt from the person to whom the warrant was delivered. He shall, at each quarterly meeting of the Board of Supervisors of his county, make a written report of all warrants drawn upon the School Fund, and for what purpose, and if required, shall exhibit vouchers therefor.

Fourth. To visit each school in his county between the first day of January and the thirtieth day of June in each year; and for every school not visited the Board of Supervisors must, on proof thereof, deduct twenty-five dollars from the County Superintendent's salary.

Fifth. To preside over teachers' institutes held in his county, and to secure the attendance thereat of lecturers competent to instruct in the art of teaching, to enforce the course of study, the use of text-books, and the rules and regulations for the examinations of teachers prescribed by the proper authority.

Sixth. To issue, upon the order of the County Board of Examiners, temporary certificates, valid until the next regular meeting of said Board.

Seventh. To certify to the Territorial Board of Examiners the names of persons examined before the County Board of Examiners.

Eighth. To distribute all laws, reports, circulars, instructions and blanks which he may receive for the use of school officers.

Ninth. To keep in his office the reports of the Superintendent of Public Instruction, the reports of the school trustees, marshals and teachers, received by him; to record all official acts in a book, to be provided for that purpose, and at the close of his official term of office to deliver over to his successor such records, and all documents, books and papers belonging to his office, and to take a receipt for the same, which shall be filed in the office of the County Treasurer.

Tenth. To keep a record of his official acts, and of the proceedings of the County Board of Examiners, including a record of the standing in each study of all applicants examined.

Eleventh. To pass upon, approve or reject accounts against school districts.

Twelfth. To appoint Trustees of school districts to fill all vacancies caused by a failure to elect or otherwise.

Thirteenth. To make reports when directed by the Superintendent of Public Instruction, showing such matters relating to public schools in his county as may be required of him, on the blanks furnished him by the Superintendent of Public Instruction.

SEC. 24. If he fails to make a full and correct report required under the provisions of Subdivision 13, Section 25, at the time fixed by the Superintendent of Public Instruction, he forfeits one hundred dollars of his salary, and the Board of Supervisors, upon receiving notice from the Superintendent of Public Instruction of such failure, must deduct the amount forfeited from his salary.

SEC. 25. He may, when there is sufficient money in the fund of any school district to maintain a school therein for five months, if the Trustees fail or refuse to have such school kept, appoint a teacher, and open and keep open such school and may draw his warrant upon the fund of such school district for the expenses incurred.

SEC. 26. He may, at his discretion, require the Trustees of any district to repair the school buildings or property, or to abate any nuisance in or about the premises, if such repairs or abatement can be done for a sum not exceeding fifty dollars, and there is a sufficient amount of money in the treasury to the credit of the district. He may also, in all cases, require the Trustees to provide suitable outhouses; and

if the Trustees neglect to make such provision, he may cause it to be done, and pay for it on his warrant on the County Treasurer, payable out of any money to the credit of the district; provided, said warrant shall be countersigned by the Chairman of the Board of Supervisors.

SEC. 27. The County Superintendent, by and with the consent of the County Board of Examiners shall, unless otherwise provided by law, in the month of September, in each year, grade each school, and a record thereof shall be made in a book to be kept by the County Superintendent in his office, for said purpose, and no teacher holding a certificate below the grade of said school shall be employed to teach the same. All schools shall be designated as primary or grammar.

SEC. 28. Each County Superintendent may, in writing, appoint a deputy, such appointment to be filed in the office of the County Recorder, and no salary payable out of the school fund shall be allowed such deputy. Such deputy shall qualify by taking the usual oath of office and filing the same in the office of the County Recorder, and shall have and exercise the same powers as the County Superintendent, who shall be responsible upon his bond for the official acts of his deputy.

SEC. 29. It shall be the duty of every County Superintendent to inquire and ascertain if the boundaries of the school districts in his county are definitely and plainly described in the records of the Board of Supervisors, and to keep in his office a full and correct transcript of such boundaries. In case the boundaries of districts are conflicting or incorrectly described, he shall, upon the order of the Board of Supervisors, charge, harmonize and describe them, and make a report of such action to the Supervisors, and, on being ratified by the Supervisors, the boundaries and description so made shall be the legal boundaries and description of the districts of that county.

SEC. 30. The County Superintendent and his deputy are hereby authorized to administer oaths or affirmations to teachers; and all other oaths or affirmations relating to schools, and shall receive no compensation therefor.

SEC. 31. The salaries of the County Superintendents of the several counties of the Territory shall be as follows, payable quarterly out of the County School Fund: Apache, \$500; Cochise, \$500; Gila, \$300; Graham, \$400; Maricopa,

\$500; Mohave, \$300; Pima, \$500; Pinal, \$400; Yavapai, \$600; Yuma, \$300. Each County Superintendent shall receive mileage at the rate of fifteen cents per mile actually and necessarily traveled, computed by the usually nearest practicable traveled route, in visiting the schools of his county, payable out of the County School Fund; also, a sum for postage and expressage equal to one dollar for each school district; provided, that no compensation shall be allowed for visiting districts which have lapsed. All warrants for salary, mileage and expressage shall be countersigned by the Chairman of the Board of Supervisors.

TEACHERS' INSTITUTES.

SEC. 32. Whenever the number of school districts in any county is ten or more, the School Superintendent thereof may, in his discretion, hold at least one teachers' institute in each year; and every teacher employed in a public school in the county shall attend such institute and participate in its proceedings, unless good cause is shown for non-attendance.

SEC. 33. Each session of the institute must continue not less than three nor more than five days.

SEC. 34. When the institute is held during the time that teachers are employed in teaching, their pay must not be diminished by reason of their attendance.

SEC. 35. The County Superintendent must keep an accurate account of the actual expenses of said institute, with vouchers for the same, and draw his warrant on the County Treasurer, payable out of the County School Fund; provided, that such amount must not exceed twenty-five dollars for any one year, and all such warrants shall be countersigned by the Chairman of the Board of Supervisors.

SEC. 36. The Superintendents of two or more counties may unite and hold a joint institute, in which case the expenses must be apportioned between the counties joining in the institute, provided such expenses do not exceed twenty-five dollars for each county.

COUNTY BOARD OF EXAMINERS.

SEC. 37. The Superintendent of Public Instruction shall appoint two competent persons in each county within this Territory who, with the County Superintendent, shall be and constitute a Board of Examiners.

SEC. 38. The County Superintendent of Schools shall be *ex officio* Chairman of the County Board of Examiners. Two members shall constitute a quorum.

SEC. 39. The County Board of Examiners must meet quarterly, at the county seat of each county, on the first Monday of March, June, September and December of each year, for the purpose of examining teachers. The Board shall meet at such other times as the Chairman shall direct. All meetings of the Board of Examiners shall be public, and the records of their proceedings shall be kept in the office of the County Superintendent of Schools. The Board shall have power:

First. To enforce the rules prescribed by the Territorial Board of Examiners for the examination of teachers.

Second. To examine applicants and to grant certificates of two grades: 1st. County certificates of first grade, valid for four years and authorizing the holder to teach a grammar school. 2d. County certificates of second grade, valid for two years and authorizing the holder to teach a primary school.

Third. To enforce the use of a uniform series of text-books prescribed by the Territorial Board of Education and the course of studies in the public schools.

Fourth. To revoke for immoral or unprofessional conduct or evident unfitness for teaching the certificates granted by them.

Fifth. To grant without examination county certificates, and fix the grade thereof, to the holders of life diplomas and Normal School diplomas, and may without examination renew certificates previously issued by them or previously granted in their county; such renewed certificates to remain valid for the same length of time for which the original certificates were granted, and may also issue temporary certificates valid until the next regular meeting of the Board to such applicants as may furnish satisfactory evidence of their experience in teaching; provided, that no person shall be entitled to receive such temporary certificate more than once.

Sixth. The Board must use in the examination of teachers the questions furnished by the Territorial Board of Examiners, and all written answers to said questions by applicants shall be kept on file in the office of the County

Superintendent for at least one year, and shall be open for the inspection of school officers.

SEC. 40. Except as provided in Section 39, certificates must be granted only to those who have passed a satisfactory examination in orthography, defining, reading, penmanship, physiology, natural philosophy, composition, arithmetic, algebra, geography, grammar, history of the United States, methods of teaching, and School Law of Arizona; provided, that applicants for second grade certificates shall not be required to pass an examination in algebra, physiology and natural philosophy. All certificates must be signed by a majority of the Board of Examiners by which they were granted. The standing of each applicant in each study must be endorsed on each certificate.

SEC. 41. Members must receive for their services a sum not to exceed five dollars per day for each day's attendance for each quarterly session of the Board, payable out of the County School Fund; provided, that no session shall continue longer than two days, and that no compensation shall be allowed members for attendance, except when engaged in examining teachers.

SCHOOL DISTRICTS.

SEC. 42. Each regularly organized school district heretofore formed, or that may be formed, shall be designated as School District No. _____ (using the number of the district), of _____ county (using the name of the county in which such district is situated), and in that name the Trustees may sue and be sued, and hold and convey property for the use and benefit of such district.

SEC. 43. Every county, city or incorporated town, unless subdivided by proper authority, forms a school district.

SEC. 44. No new district can be formed unless the parents or guardians of at least ten school-census children, resident of such proposed new district, and residing at a greater distance than two miles from any district school-house, present a petition to the County Superintendent setting forth the boundaries of the new district asked for. The boundaries of any district cannot be changed unless at least five heads of families, residing in the district, present a petition to the County Superintendent, setting forth the change of boundaries desired, and the reasons for the change.

SEC. 45. After giving due notice to all parties interested by posting notices in three public places in the district, one of which shall be at the door of the school-house for at least one week, the County Superintendent must transmit the petition to the Board of Supervisors with his approval or disapproval. If he approves the petition, he may note such changes in the boundaries as he may think desirable.

SEC. 46. The Board of Supervisors must at their first meeting after the receipt of the petition act upon the same. If the Board establishes the district, they may do so in accordance with the prayer of the petition, or with such modifications as they choose to make.

SEC. 47. No new district formed by the subdivision of an old one is entitled to any share of the public moneys belonging to the old one until a school has been actually commenced in such new district.

SEC. 48. Unless within four months after the making of an order creating a new district, school is opened therein, the order will cease to have effect.

SEC. 49. When a new district is formed by the division of an old one, the School Superintendent must after the payment of debts divide the money to the credit of the old district at the time school was commenced in the new district, and such as may be apportioned to the old district, according to the number of school census children resident in each district, for which purpose he may order a census taken.

ELECTION OF SCHOOL TRUSTEES.

SEC. 50. An election for School Trustees must be held in each district, on the last Saturday in June in each year at the District school-house if there is one; and if there is none, at a place to be designated by the Board of Trustees.

First. The number of School Trustees in each district shall be three.

Second. They shall be elected to hold office for one year from the first Saturday in July succeeding their election.

SEC. 51. The Clerk of each School Board shall cause written or printed notices to be posted specifying the day and the place of such election, and the time during which the ballot-box will be kept open. Said notices shall be posted in

at least three public places in the district, one of which shall be at the school-house, if there be one, at least fifteen days previous to the time of election. If the Clerk fail to give such notice, then any two legal voters residing in the district may give similar notice of such election at least ten days prior thereto.

SEC. 52. The Trustees must appoint the Inspector, Judges and Clerks of election; if none are so appointed, or if those appointed are not present at the time of opening the polls, the electors present may select them.

SEC. 53. The polls must be opened at 9 o'clock A. M., and closed at 4 o'clock P. M.

SEC. 54. All elections shall be by ballot.

SEC. 55. Every person, male or female, of the age of 21 years or over, who has been a resident of the district for thirty days immediately preceding the day of election, and who is the parent or guardian of a child of school age residing in the district, or who paid a Territorial or county school tax during the preceding year, is eligible to election to the office of Trustee, and shall be entitled to vote at any school district election. Any person offering to vote may be challenged by any legally qualified elector of the district, and the Judges must thereupon administer the following oath to the person challenged: "You do solemnly swear, that you are now and have been a resident of this school district during the thirty days preceding this election; that you are the parent or guardian of a child of school age; or, that you have paid in this county a Territorial or county school tax during the past year, and that you have not voted at this election, so help you, God." If he or she takes the oath prescribed in this section, his or her vote must be received, otherwise the vote must be rejected.

Provided, that in Pima county the provisions of this Section, No. 55, shall not apply or have any force or effect, and that the provisions of Section 35 of an Act, numbered 33, on page 33, of the Session Laws of 1883, approved February 21, 1883, entitled, "An Act to establish a public school system and to provide for the maintenance and supervision of public schools in the Territory of Arizona," shall apply to and remain in full force and effect in said Pima county.

And provided further, that no woman shall be allowed to vote under the provisions of this section in the counties of Apache and Graham.

SEC. 56. A poll and tally list must be kept and returned to the Board of Trustees.

SEC. 57. The officers of election must, after counting the votes, make and deliver certificates of election to the persons elected, a copy of which, with the oath of office attached, must be forwarded to the County Superintendent; said Trustees are hereby authorized to administer to each other the oath of office.

SEC. 58. The powers and duties of Boards of Trustees of school districts are as follows:

First. It shall be the duty of the Trustees, any two of whom shall constitute a quorum for the transaction of business, to meet as soon as practicable after the commencement of their term of office, at such place in the district as may be most convenient, and to organize, by appointing one of their number Clerk of the Board and notifying the County Superintendent of the same.

Second. To prescribe and enforce rules not inconsistent with law or those prescribed by the Territorial Board of Education for their own government and the government of schools.

Third. To manage and control the school property within their district.

Fourth. To purchase school furniture and apparatus, and such other things for the use of schools as may be necessary.

Fifth. To rent, furnish, repair and insure the school property of their respective districts.

Sixth. When directed by a vote of their district, to build school-houses, or to purchase or sell school-lots.

Seventh. To make, in the name of the district, conveyances of all property belonging to the district and sold by them.

Eighth. To employ the teachers, janitors and employees of schools; to fix and order paid their compensation; provided, that no Board of Trustees shall enter into any contract with such teachers, janitors or employees to extend beyond the thirtieth day of June next ensuing, provided, that in the county of Apache the County Board of Examiners shall employ the teachers and fix and order paid their compensation.

Ninth. To expel pupils for misconduct.

Tenth. To exclude from school, children under six years of age.

Eleventh. To enforce in schools the course of study, and the use of the text-books prescribed and adopted by the proper authority.

Twelfth. To appoint District Librarians, and enforce the rules prescribed for the government of school libraries.

Thirteenth. To exclude from schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.

Fourteenth. To make arrangements with adjoining districts for the attendance of such children in the school of either district as may be best accommodated therein, and to transfer the school moneys due by apportionment to such children to the district in which they may attend school; and in case the Trustees fail to agree, the parents of such children may appeal to the County Superintendent whose decision shall be final.

Fifteenth. On or before the first day of May, eighteen hundred and eighty-five, and every two years thereafter, to appoint a school census Marshal, and notify the School Superintendent thereof.

Sixteenth. To make an annual report on or before the first day of July to the School Superintendent, in the manner and form, and on the blanks prescribed by the Superintendent of Public Instruction.

Seventeenth. To make a report, whenever required, directly to the Superintendent of Public Instruction, or to the County Superintendent.

Eighteenth. To visit every school in the district at least once in each quarter, and examine carefully into its management, condition and wants.

Nineteenth. Boards of Trustees shall call meetings of the qualified school electors of the district for determining or changing the location of the school-house, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any other affairs of the district. Such meetings shall be called by

posting notices in the usual places for not less than ten days previous to the time for which the meeting shall be called ; which notices shall specify the purposes for which said meeting shall be called ; and no other business shall be transacted at said meeting. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and enter the minutes thereof in the records of the district. A meeting so called shall be competent to instruct the Board of Trustees :

(1.) In regard to the location or change of location of a school-house.

(2.) In regard to purchase and sale of school-sites.

(3.) In regard to the erection of school-buildings.

(4.) In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or likely to become engaged. All funds raised by sale of school property may be disposed of by direction of a district meeting, provided that said funds so raised shall be used for school purposes only. District meetings may be adjourned from time to time as found necessary ; and all votes instructing the Board of Trustees shall be taken by ballot ; the Board of Trustees shall be bound by the instructions of the district meeting in regard to the subjects mentioned in this section. All moneys due any school district from the sale of any school property shall be paid by the purchaser of said property to the County Treasurer, who shall place the same to the credit of the district making such sale, and shall furnish such purchaser a receipt for said money, and notify the County Superintendent of the same.

SEC. 59. Boards of Trustees must maintain all the schools established by them for an equal length of time during the year, and, as far as practicable, with equal rights and privileges.

SEC. 60. Writing paper, pens, ink, and slate pencils and crayons for the use of schools, must be furnished under the direction of the Board of Trustees ; provided, that the amount so expended shall not exceed the sum of ten dollars for each teacher employed during the school year.

SEC. 61. Boards of Trustees must use the school moneys received from the Territorial and County apportionments exclusively for the payment of teachers and contingent expenses for that school year, until at least a six months' school shall

have been maintained; and if at the end of any year there is an unexpended balance, it may be used for the payment of claims against the district outstanding, or it may be used for the year succeeding.

SEC. 62. If any Board of Trustees fail to appoint a census marshal at the proper time, and through such failure the district is omitted in the apportionment of school moneys, then, in such case, the trustees are hereby made, jointly and severally, personally liable to the district for the full amount which the district would have received but for such failure.

SEC. 63. Boards of Trustees are liable as such, in the name of the district, for any judgment against the district, for salary due any teacher on contract, and for all debts contracted under the provisions of this Act, and they shall pay such judgments or liabilities out of the school moneys to the credit of such district.

DISTRICT CENSUS MARSHALS.

SEC. 64. *First.* It shall be the duty of the census marshal to take the census of all the children between six and eighteen years of age in his district.

Second. To report the result of his labors to the County Superintendent on or before the first day of July of the year in which the census is taken.

SEC. 65. His report must be made under oath, upon blanks furnished by the Superintendent of Public Instruction, and must show:

First. The number, age, sex, color and nationality of children listed, Indians and Chinese excepted.

Second. The names of parents and guardians of said children.

Third. The number of children between the ages of six and eighteen.

Fourth. The number of children between the ages of eight and fourteen.

Fifth. The number attending public schools.

Sixth. The number attending private schools.

Seventh. The number not attending school.

Eighth. Such other facts as the Superintendent of Public Instruction may designate.

SEC. 66. He must include in his report all children that are absent, attending institutions of learning, but whose parents or guardians are residents of the districts.

SEC. 67. He must not include in his report children who are attending school in his district, but whose parents do not reside therein.

SEC. 68. He shall visit each habitation, home, residence, domicile or place of abode in his district, and by actual observation and interrogation enumerate the census children of the same.

SEC. 69. Whenever a district is formed lying partly in two adjoining counties, the census marshal must report to each County Superintendent the number of children in each county within the district.

SEC. 70. The census marshal shall have power to administer oaths to parents and guardians.

SEC. 71. If at any time the County Superintendent of Schools has reason to believe that a correct report has not been returned, he may appoint a census marshal, have the census retaken, and the compensation for the same shall be paid out of the School Fund of that district, on a warrant on the County Treasurer, countersigned by the Chairman of the Board of Supervisors.

SEC. 72. The compensation of census marshals must be audited and paid as other claims allowed by the Trustees of the district are audited and paid. If the census marshal neglect or refuse to make his report at the time and in the manner herein required, he shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine not exceeding one hundred dollars, or imprisonment for not more than three months.

CLERKS OF SCHOOL DISTRICTS.

SEC. 73. It is the duty of the clerk :

First. To act as clerk of the Board, and keep a record of its proceedings.

Second. To keep an itemized account of the receipts and expenditures of school moneys.

Third. To keep his records and accounts open to the inspection of the electors of the district.

Fourth. To discharge such other duties as may be prescribed by the Board.

SEC. 74. The clerk of each district must, under the direction of the Board of Trustees, provide all school supplies, and keep the school-house in repair during the time the school is taught therein. No order on any County Superintendent for any teacher's salary, or other expense, shall be valid unless signed by at least two members of the Board of Trustees; provided, that in the County of Apache, all such orders for salaries and other expenses shall be signed by at least two members of the County Board of Examiners.

SEC. 75. The clerk may act as assessor, collector, or marshal, in which case he must be paid the same compensation which would have been allowed by the Board to any other person.

SCHOOLS.

SEC. 76. The school year shall begin on the first day of July and end on the last day of June.

SEC. 77. A school month is construed and taken to be twenty school days or four weeks of five days each. Where teachers are employed by the year, the time shall be construed as ten school months.

SEC. 78. Every school, unless otherwise provided by law, must be open for the admission of all children between six and eighteen years of age, residing in the district. And the Board of Trustees have power to admit adults and children not residing in the district but within the Territory, whenever good reasons exist therefor. Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

SEC. 79. All schools not otherwise provided by law, must be divided into primary and grammar schools.

SEC. 80. All schools must be taught in the English language.

SEC. 81. Instruction must be given in the following branches, viz.: Reading, Writing, Orthography, Arithmetic, Geography, Grammar, History of the United States, Elements

of Physiology, Elements of Book-keeping, Industrial Drawing, and such other studies as the Territorial Board of Education may prescribe, but no such other studies can be pursued to the neglect or exclusion of the studies enumerated.

SEC. 82. Instruction must be given during the entire school course in manners and morals.

SEC. 83. No school must be continued in session more than six hours a day, and no pupil under eight years of age must be kept in school more than four hours a day.

SEC. 84. No books, tracts, or papers of a sectarian character shall be used in, or introduced into any school established under the provisions of this Act, nor shall any sectarian doctrine be taught therein, nor shall any school whatever under the control of any religious denomination, or which has not been taught in accordance with the provisions of this Act, receive any of the public school funds, and upon satisfactory evidence of such violation the County Superintendent must withhold all apportionments of school moneys from said school.

PUPILS.

SEC. 85. All children between the ages of six and eighteen years, who are residents of this Territory, must be admitted into the schools of this Territory.

SEC. 86. All pupils must comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the school.

SEC. 87. Continued open defiance of the authority of the teacher, and habitual profanity and vulgarity constitute good causes for expulsion from school.

SEC. 88. Any pupil who cuts, defaces, or otherwise injures any school-house or outbuildings thereof is liable to suspension or expulsion, and upon the complaint of the teacher or Trustees, the parents or guardians of such pupils shall be liable for all damages.

TEACHERS.

SEC. 89. Every teacher in a public school must:

First. Before assuming charge of a school, file his certificate with the County Superintendent.

Second. On taking charge of a school, or when closing a term of school, immediately notify the County Superintendent of such fact.

Third. Enforce the course of study, the use of text-books, and the rules and regulations prescribed for schools.

Fourth. Hold pupils to a strict account for disorderly conduct on the way to and from school, exercise a supervision over pupils on the play grounds, and during recess; suspend from school, for good cause, any pupil, and report such suspension to the Board of Trustees for review. If such action is not sustained by them the teacher may appeal to the County Superintendent, whose decision shall be final.

Fifth. Keep a school register, which shall be carefully preserved by the Board of Trustees as one of the records of the school.

Sixth. To furnish monthly reports to the County Superintendent, upon the blanks prescribed by the Superintendent of Public Instruction.

Seventh. To make an annual report to the County Superintendent at the time and in the manner, and on the blanks prescribed by the Superintendent of Public Instruction. Any teacher who shall end any school term before the close of the school year, shall make a report to the County Superintendent immediately after the close of such term; and any teacher who may be teaching any school at the end of the school year, shall in his or her annual report, include all statistics for the entire school year, notwithstanding any previous report for a part of the year.

Eighth. To make such other reports as may be required by the Superintendent of Public Instruction, County Superintendent or Board of Trustees.

SEC. 90. In case of the dismissal of any teacher, before the expiration of any contract entered into between such teacher and Board of Trustees, for alleged unfitness or incompetence, the teacher may appeal to the County Superintendent, whose decision shall be final, if suit be not brought thereon in a court of competent jurisdiction.

SEC. 91. No warrants shall be drawn in favor of any teacher who does not hold a certificate issued by the Board of Examiners of the county, or by the Territorial Board of Examiners.

SEC. 92. No person is eligible to teach in any public school in this Territory, or to receive a certificate to teach, who has not attained the age of eighteen years.

SEC. 93. Any teacher who shall use any sectarian or denominational books or teach any sectarian doctrine, or conduct any religious exercises in his school, or who shall fail to comply with any of the provisions mentioned in Section 89 of this Act, shall be deemed guilty of unprofessional conduct, and it shall be the duty of the proper authority to revoke his or her certificate.

SEC. 94. It shall be the duty of all teachers to endeavor to impress on the minds of the pupils the principles of morality, truth, justice and patriotism; to teach them to avoid idleness, profanity and falsehood, and to instruct them in the principles of a free government, and to train them up to a true comprehension of the rights, duties, and dignity of American citizenship.

DISTRICT LIBRARIES.

Sec. 95. Boards of School Trustees in cities and in districts containing one hundred or more census children, may use the school fund together with such moneys as may be added thereto by donation, in the purchase of books for school libraries; provided, that the amount so expended from the School Fund in one year shall not exceed fifty dollars, and provided, further, that no warrant shall be drawn by the County Superintendent on the order of any Board of Trustees, in payment for any books, unless such order is accompanied by an itemized bill, showing the books and the price of each in payment for which the order is drawn.

SEC. 96. Libraries are under the control of the Board of Trustees, and must be kept, when practicable, in the school-houses. The libraries shall be free to all pupils of a suitable age belonging to the school, and any resident of a district may become entitled to its privileges by the payment of such annual or monthly fee as may be prescribed by the Trustees. The Trustees shall be held accountable for the proper care and preservation of the library, and they shall report to the County Superintendent when required, all library statistics on blanks furnished by the Superintendent of Public Instruction for that purpose.

TERRITORIAL TAX AND COUNTY SCHOOL TAX.

SEC. 97. A tax of three cents upon each one hundred dollars value of taxable property is hereby levied, and directed to be collected and paid into the Territorial treasury, as a special fund for school purposes, to be disbursed as hereinafter provided; said tax to be levied and collected at the same time and in the same manner as other territorial revenues. It shall be the duty of the Territorial Treasurer to receive and to hold as a special fund, all public school moneys paid into the Territorial treasury, and pay them over on a warrant of the Territorial Auditor, issued upon the order of the Territorial Board of Education, countersigned by the Superintendent of Public Instruction, or in case of his absence from the capital of the Territory, by the Governor, in favor of the County Treasurer, or such other person as may be authorized by law to receive the same, which order, duly indorsed by the County Treasurer, or such other person, shall be a valid voucher in the hands of the Territorial Treasurer for the disbursement of said moneys.

SEC. 98. All school moneys due each county in the Territory shall be paid over by the Territorial Treasurer to the County Treasurer, as follows: On the second Monday of January, June, and September, or as soon thereafter as the County Treasurer may apply for the same, on a warrant of the Territorial Auditor, drawn in conformity with the apportionment of the Superintendent of Public Instruction.

SEC. 99. The County Superintendent in each county must, on or before the first day of August of each year, furnish the Board of Supervisors an estimate in writing of the minimum amount of school funds needed for the ensuing year. This amount he must compute as follows:

First. He must ascertain the number of teachers each district is entitled to by calculating one teacher to each eighty census children, or fraction thereof, of not less than fifteen census children, as shown by the next preceding school census.

Second. He must calculate the amount required to be raised at five hundred dollars per teacher; from this amount he must deduct the total amount received from the Territorial apportionment during the preceding school year, and the remainder shall be the minimum amount of County school fund needed for the ensuing year; provided, that in the

month of August, 1885, the County Superintendent shall deduct one-fifth of the amount received from Territorial apportionments during the year ending June 30, 1885, from the above estimated amount, and the remainder shall be the minimum amount to be raised for the school year beginning July 1, 1885.

SEC. 100. The Board of Supervisors of each county must annually, at the time of levying other county taxes, levy a tax to be known as the County school tax, the maximum rate of which shall not exceed seventy-five cents on each one hundred dollars of taxable property in the county, nor the minimum rate be less than sufficient to raise the minimum amount reported by the County Superintendent in accordance with the provisions of the preceding section. The Supervisors must determine the minimum rate of the County school tax as follows: They must deduct fifteen per cent from the equalized value of the last general assessment roll of the county and the amount required to be raised, divided by the remainder of the assessment roll, is the rate to be levied; but if any fraction of a cent occurs it must be taken as a full cent on each one hundred dollars.

SEC. 101. Said taxes shall be collected as other county taxes are collected, and shall be paid into the treasury of the county to the credit of the County School Fund.

SEC. 102. It shall be the duty of the Treasurer of each county:

First. To receive and to hold, as a special fund, all public school moneys, whether received by him from the Territorial Treasurer, or raised by the county for the benefit of public schools, or from any other source, and to keep a separate account thereof, and when the same is apportioned among the school districts, to open and keep a separate account with each district.

Second. On receiving any public school moneys amounting to five hundred dollars, subject to distribution, to immediately notify the County Superintendent of Public Schools of the amount thereof.

Third. To pay over, on the warrants of the County Superintendents, duly endorsed by the person entitled to receive the same, any or all of said moneys.

Fourth. On or before the first day of August of each year to make a report to the Superintendent of Public Instruction, showing:

1. The amount of school moneys received from Territorial School Fund.
2. The amount received from County school tax.
3. The amount received from other sources.
4. Total expenditures for school purposes.
5. Balance on hand at close of school year.

And in case of the failure or neglect of said County Treasurer to make such report or give such notice as is required in subdivision second of this section, he shall be liable to the county of which he is treasurer in the sum of five hundred dollars; and it is hereby made the duty of the District Attorney of said county, upon the direction of the Board of Supervisors of said county, to bring suit in the name of said county, against such Treasurer for the recovery thereof, and any money collected under the provisions of this section shall be paid into the County School Fund.

SEC. 103. No County Treasurer shall be allowed any percentage on any school moneys received from the Territorial Treasurer.

SPECIAL SCHOOL DISTRICT TAX.

SEC. 104. When the Territorial and county money to which any district is entitled is not sufficient to build or rent suitable buildings, and to pay for keeping a school in such district, for at least five months in each year, it is hereby made the duty of the Trustees of such district to levy a direct tax upon the taxable property in such district, sufficient to raise an amount which, together with the Territorial and county money to which said district is entitled, will keep a school open five months in each year, and the Board of Trustees of any school district, when in their judgment it is advisable, may call an election, and submit to the qualified voters of the district the question whether a tax shall be levied to keep a school open a longer period than the ordinary funds will allow, or for building an additional school-house or houses, or for all these purposes. Such election shall be called by posting notices in three of the most public places in the district for

twenty days. Said notices shall contain the time and place of holding the election, the amount of money proposed to be raised, and the purpose for which it is intended to be used. The Board of Trustees shall appoint three judges to conduct the election, and it shall be held in all other respects, as near as practicable, in conformity with the general election law; provided, that no registration shall be necessary to entitle a person to vote at such election, and no person shall be entitled to vote thereat who is not a taxpayer in the district. At such election the ballot shall contain the words, "tax, yes," or "tax, no," and also the name of one person as assessor and collector. If two-thirds of the votes cast are "tax, yes," the officers of the election shall certify the fact to the Board of Trustees, and shall also certify the name of the person having the plurality of votes for assessor and collector. The Board of Trustees shall issue a certificate of election, and the assessor shall forthwith, from the last duplicate tax-roll of the county, make a list of all taxable persons and property in the district, and within thirty days he shall return his roll, footed up, to the Board of Trustees. The Board of Trustees, upon receiving the roll, shall deduct fifteen per cent therefrom for anticipated delinquencies; and then by dividing the sum voted, together with estimated cost of assessing and collecting added thereto, by the remainder of the roll ascertain the rate per cent required; and the rate so ascertained shall be and is hereby levied and assessed to, on or against the persons or property named or described on said roll, and it shall be a lien on all such property until the tax is paid; and said tax, if not paid within the time limited in the next succeeding section for its payment, shall be collected in the same manner and with the same costs as delinquent Territorial and county taxes are collected.

SEC. 105. As soon as the rate of taxation has been determined, as provided in the preceding section, the Board of Trustees shall place the tax-list in the hands of the collector, who shall give such bonds as may be required by the Board of Trustees, and he shall then proceed to collect the tax, and shall within sixty days return the roll to the Board of Trustees, with the word "paid" marked opposite the name of each person or description of property from whom or which he has received the taxes, and he shall at the same time file with the Board of Trustees the County Treasurer's receipt for all moneys by him collected, and the person or property on the roll not by the collector marked "paid" shall be deemed delinquent and the Board of Trustees shall order said collector to

proceed to collect the delinquent taxes in the manner described in the last preceding section, and said roll or any certified copy thereof shall have the same force in evidence as a duplicate or delinquent tax-roll of Territorial or county taxes. All moneys collected from a district tax in any school district, shall be paid into the county treasury and placed to the credit of such district. The County Superintendent shall, upon the order of the Trustees of such district, draw his warrant upon the County Treasurer for such moneys or any part thereof. The compensation of the assessor and collector shall be fixed by the Board of Trustees, and be paid in the same manner as the expenses for supporting schools in the district are paid.

APPORTIONMENT OF SCHOOL FUNDS.

SEC. 106. The School Superintendent of each county must apportion all school moneys as follows :

First. He must ascertain the number of teachers each district is entitled to by calculating one teacher for every eighty census children or fraction thereof, not less than fifteen census children, as shown by the next preceding school census.

Second. He must ascertain the total number of teachers for the county by adding together the number of teachers assigned to the several districts.

Third. Five hundred dollars shall be allowed to each district for every teacher assigned it; provided, that to districts having ten and less than fifteen census children, there shall be apportioned four hundred dollars.

Fourth. All school moneys remaining on hand after apportioning five hundred dollars to each district having fifteen census children or more for every teacher assigned to it, and after apportioning four hundred dollars to districts having less than fifteen census children, must be apportioned to the several districts having not less than thirty census children, in proportion to the number of census children in each of such districts.

SEC. 107. No school district is entitled to receive any apportionment of school moneys which has not maintained a public school for at least five months during the then next preceding school year; but any new district formed by the division of an old one is entitled to its apportionment when school has been maintained in the old district before division,

and in the new district after the division, at least seven months in all. A district which is prevented by fire, flood or prevailing epidemic from maintaining a school for the length of time designated in this section, is nevertheless, entitled to its apportionment of school moneys.

SEC. 108. Whenever at the close of the school year any school money has accumulated to the credit of a school district by reason of a large census roll and small attendance in excess of a reasonable amount required to maintain the schools five months in such district, the County Superintendent shall apportion the same as other county school funds are apportioned. If in any school district there shall be an average attendance for three months of only five pupils or less, such district shall lapse and the moneys in the treasury of the county belonging thereto shall be apportioned by the County Superintendent among the other districts of his county in proportion to the number of census children in such districts.

GENERAL PROVISIONS RELATIVE TO SCHOOL FUNDS AND TAXES.

SEC. 109. All moneys which shall accrue to the Territory by the sale of personal or real property of an escheated estate or from the rents or profits of lands or tenements held as escheated shall be paid into the Territorial School Fund of this Territory to be used only as the Territorial School Fund is now or shall hereafter be authorized to be used by law.

SEC. 110. All moneys arising from fines, forfeitures and gambling licenses shall be immediately transmitted as soon as collected by the officer receiving the same, to the County Treasurer for the credit of the County School Fund; provided, that nothing in this Act shall affect or apply to any municipal fine, forfeiture or license under the ordinances of any incorporated village or city of this Territory.

SEC. 111. Any officer neglecting or failing to comply with the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not more than three hundred dollars, or imprisonment in the county jail for not more than three months, or by both such fine and imprisonment. All fines arising under the provisions of this section shall be placed to the credit of the County School Fund.

TEXT-BOOKS.

SEC. 112. In the adoption of text-books, the Territorial Board of Education shall be governed by the following rules :

First. Any books hereafter adopted as a part of the uniform series of text-books must be continued in use for not less than four years.

Second. No change of text-books must be made at any other time than in the month of July or August of the year in which the change is made, and no changes shall be made to take effect until the beginning of the next school term of that year.

Third. At least sixty days' notice of any proposed change in text-books must be given by publication in a newspaper of general circulation, published in this Territory. Said notice shall state what text-books it is proposed to change; that sealed bids or proposals will be received by the Territorial Board of Education for furnishing books to replace them; the place where, and the day and the hour when all bids or proposals will be opened, and that the Board reserves the right to reject any and all bids or proposals.

Fourth. At the time and place specified in said notice the Board shall meet and publicly open and read all of the bids or proposals which have been received by them, and shall make their award thereon within ten days thereafter.

Fifth. Sealed bids and proposals must be accompanied by a sample copy of the books proposed to be furnished, together with a statement of the wholesale and retail price at which the publisher agrees to furnish each book within this Territory during the full time for which said books are to be adopted.

Sixth. If no satisfactory bids or proposals are received, then the books already in use may continue in use until changed as herein provided.

Seventh. The publisher or publishers, whose proposals shall be accepted, must enter into a written contract with the Territorial Board of Education, and shall give a good and sufficient bond, in a reasonable sum, to be fixed by the Board for the faithful performance thereof.

SEC. 113. If the Trustees of any district refuse or neglect to enforce the use of the text-books that may be prescribed, or use any other books in any of the prescribed studies, such refusal or neglect shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars, or by imprisonment not to exceed three months and removal from office.

MISCELLANEOUS PROVISIONS RELATING TO PUBLIC SCHOOLS.

SEC. 114. Any parent, guardian or other person who shall insult or abuse any teacher in the presence of the school, shall be guilty of a misdemeanor, and be liable to a fine of not less than fifty nor more than one hundred dollars, or by imprisonment not exceeding three months.

SEC. 115. Any person who shall wilfully disturb any public school or any public-school meeting shall be guilty of a misdemeanor, and be liable to a fine of not less than fifty nor more than one hundred dollars, or by imprisonment not exceeding three months.

SEC. 116. No officer named in this Act or teacher in any public school held under the provisions of this Act, shall act as agent for any author, publisher, book-seller or other person to introduce any book, apparatus, furniture or any other article whatever in the public schools of this Territory, or any one or more of them, or directly or indirectly contract for or receive any gift or reward for so introducing or recommending the same, and any officer so acting or receiving, shall be deemed guilty of a misdemeanor and on conviction be punished by a fine in the sum of two hundred dollars or imprisonment in the county jail for a period of three months and be removed from office.

SEC. 117. Any Territorial or County Superintendent, or any Territorial or County Board of Examiners, who shall issue a certificate or diploma except as provided for in this Act, shall be deemed guilty of a misdemeanor and on conviction, shall be punished by a fine not exceeding three hundred dollars, or imprisonment in the county jail for three months or by both such fine and imprisonment, and removal from office.

SEC. 118. Certificates shall be issued to such persons only as shall have given evidence of good moral character.

SEC. 119. No Trustee shall be interested directly or indirectly in any contract made by the Board of Trustees of which he is a member, and any contract made in violation of this section shall be null and void, and any Trustee so interested shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not to exceed five hundred dollars or imprisonment in the county jail for three months, or by both such fine and imprisonment and be removed from office.

SEC. 120. Any teacher, Trustee, Treasurer, Census Marshal, or school officer who shall knowingly make a false report to a County Superintendent or to the Superintendent of Public Instruction, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars, or imprisonment in the county jail for three months, or by both such fine and imprisonment.

SEC. 121. The offering of any valuable thing to any member of a School Board, with intent thereby to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, superintendent or other officer or employee, the adoption of any text-book, or the making of any contract to which the board of which he is a member is a party, or the acceptance, by any member of such board of any valuable thing with corrupt intent, shall be a felony, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, and the person so convicted shall be forever disqualified from holding any office of trust or profit in this Territory. Any person may be compelled to testify in any judicial investigation against any person who may be charged with any offense described in this section, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony. Any contract or appointment obtained from a School Board by corrupt means shall be void. Any County Board of Supervisors or any committee thereof may investigate the conduct of any member of any County Board of Examiners, or school officer or employee who may be charged with malfeasance in office, and in such capacity shall be entitled to the process of the courts to compel the attendance of witnesses, and the officer who shall preside at such investigation shall have power to administer all oaths.

SEC. 122. An Act entitled "an Act to establish a public school system, and to provide for the maintenance and supervision of Public Schools in the Territory of Arizona," approved February 21, 1883, and all other Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

SEC. 123. This Act shall take effect and be in force from and after the first day of May, 1885.

Approved, March 12, 1885.

No. 76.

AN ACT

Entitled "An Act amendatory of and supplementary to Chapter XVI of the Compiled Laws, entitled of the Territorial Prison."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

ARTICLE I.

The Board of Territorial Prison Commissioners are hereby authorized and empowered to make and adopt any and all rules necessary for their own government.

SECTION 1. The Board of Prison Commissioners shall appoint a Superintendent for the Territorial Prison who shall hold his office for a period of two years, unless sooner removed by the Board for misconduct, incompetency or neglect of duty. Said Superintendent shall receive for his services the sum of seven hundred and fifty dollars per quarter and shall perform such duties as is hereinafter provided for. The Board of Prison Commissioners shall also appoint an Assistant Superintendent or Turnkey for the Territorial Prison, whose duties during the presence of the Superintendent shall be assigned to him by the Superintendent, and who shall during the absence of the Superintendent perform all such duties as is hereinafter provided to be performed by the Superintendent. The Assistant Superintendent or Turnkey shall receive for his services the sum of three hundred and seventy-five dollars per quarter.

SEC. 2. The Board of Prison Commissioners shall appoint a Secretary for the Territorial Prison who shall hold his office for the term of two years unless sooner removed by the Board

for misconduct, incompetency or neglect of duty. The Secretary shall keep the accounts of the prison in such manner as to exhibit clearly all its financial transactions. A register of convicts shall be kept in which shall be entered the name of each convict, the crime of which he is convicted, the period of his sentence, from what County, by what Court sentenced, his nativity, to what degree educated, at what institution and under what system, an accurate description of his person and whether he has been previously confined in a State's Prison in this or any other State, and if so when and how he was discharged. The Secretary shall also act as Secretary of the Board while in session.

SEC. 3. The Board of Prison Commissioners are hereby authorized and required to contract for provisions, clothing, medicines, forage, fuel and all other supplies needed for the support of the Prison for any period of time not exceeding one year. Such contracts shall be given to the lowest bidder, at a public letting thereof, if the price bid is a fair and a reasonable one. Each bid shall be accompanied by such security as the Board may require conditional upon the bidder entering into a contract upon the terms of his bid on notice of the acceptance thereof, and furnishing a penal bond, with good and sufficient sureties, in such sum as the Board may direct and to their satisfaction, that he will faithfully perform his contract. Notice of the time, place and conditions of the letting of such contract shall be given by five insertions in some paper published in the County where the Prison is situated. If all the bids made at such letting are deemed unreasonably high, the Board may in their discretion reject all the bids or may accept any part thereof, and may again advertise for other proposals, and may so continue to renew the advertisement until satisfactory bids are received; and in the meantime the Board may contract with any one whose offer is regarded just and equitable, but no contract thus made shall run more than sixty days, nor in any case extend beyond the public letting. No bid shall be accepted nor a contract entered into in pursuance thereof, when such bid is higher than any other bid at the same letting for the same class of article, and when a contract can be made at such lower bid. When two or more bids for the same article or articles are equal in amount, the Board may select the one which, all things considered, may by them be thought best for the interests of the Territory, or they may divide the contract between the bidders as in their judgment may seem proper and right.

SEC. 4. No person shall be appointed to any office or be employed in the Prison on behalf of the Territory, who is a contractor or the agent or employee of a contractor, or who is interested, directly or indirectly, in any business carried on therein; and no male person who is not a qualified elector of the Territory of Arizona shall be appointed by the Prison Superintendent to any office in or about the Prison, nor shall anyone be appointed or employed who is in the habit of intemperately using intoxicating liquors. A single act of intoxication shall justify discharge or removal.

SEC. 5. The Superintendent and Secretary may be removed by the Board of Commissioners at any time for misconduct, incompetency or neglect of duty, and all other officers and employees may be removed at any time at the pleasure of the Superintendent.

SEC. 6. No officer or employee shall receive, directly, or indirectly, any compensation for his services other than that prescribed by the Commissioners, nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor or agent or employee of a contractor. For any violation of the provisions of this Section, the officer, agent or employee of the Territory shall be discharged from his office or service, and every contractor, or employee or agent of a contractor, engaged therein shall be expelled from the Prison grounds, and not again permitted within the same as a contractor, agent or employee.

SEC. 7. No officer or employee of the Territory, or contractor, or employees of a contractor shall without permission of the Board of Commissioners, make any gift or present to a convict or receive any from a convict, or have any barter or dealings with a prisoner. For every violation of the provisions of this Section, the party engaged therein shall incur the same penalty as prescribed in the previous Section.

SEC. 8. No officer or employee of the prison shall be interested directly or indirectly in any contract or purchase made or authorized to be made by any one for or in behalf of the prison.

SEC. 9. The meetings of the Board shall be quarterly, and held on the first Monday in January, April, July and October of each year, or as soon thereafter as a quorum shall be present, *provided*, that whenever it becomes necessary to

hold a meeting for a special purpose, the special purpose shall be set forth in a notice signed by the Chairman and countersigned by the Secretary, a copy of which shall be served on each of the other members of the Board, at least ten days prior to the day fixed in the notice ; and service may be made by depositing said copy in the Postoffice, directed to each member aforesaid. The same proceedings shall be observed at a special meeting as at a general meeting, *provided*, that no business shall be entertained embodying the auditing and approval of accounts.

SEC. 10. At each quarterly meeting all accounts accrued during the previous quarter shall be presented, examined, considered and approved for payment, if ascertained to be correct ; and thereupon certified by the Chairman and countersigned by the Secretary to the Territorial Auditor, accompanied with a duplicate voucher, setting forth each item covered in said certificate. The Territorial Auditor shall then draw his warrant on the Territorial Treasurer for the respective amounts set forth in each certified account, and the Treasurer shall pay the same, as other Territorial warrants are paid.

SEC. 11. All bonds required under the provisions of this Act to be given by the officers and employees of the prison, shall be presented to the Board for acceptance and be approved by the Chairman, and in case of a rejection of any bond, a reasonable time shall be afforded in which to present a new one, and should the Board have adjourned the same shall be filed with the Secretary and acted upon at the next regular meeting.

SEC. 12. The proceedings of the Board shall be published in full, quarterly, in some newspaper published in the county in which the prison is situated.

SEC. 13. The Secretary of the prison shall receive nine hundred dollars per annum payable quarterly, and no other remuneration, and give bond in such amount as the Board may prescribe. Any member of the Board may act as Treasurer on motion made and entered in the minutes. He shall receive and disburse all moneys coming into his hands under direction of the Board and render a quarterly account of his proceedings, which shall be examined and if correct, approved.

SEC. 14. At the first regular meeting of the Board, a physician for the prison shall be appointed for two years and give bonds in such sum as may be prescribed and approved by the Board. The qualifications of any applicant shall consist in a full compliance with the laws of the Territory concerning diploma and other certificates of character and ability. He shall receive for his services fifteen hundred dollars per annum to be paid quarterly, and shall conform to such rules and regulations of the Board concerning hospital and dispensary of the prison, and the treatment of sick prisoners as may be established by them, and may be removed for inattention to duty or evidence of want of knowledge or skill.

SEC. 15. It shall be the duty of the Superintendent to receive and safely keep all persons committed to imprisonment in the prison from any Court of the United States in the Territory for any crime against the United States until said person shall be discharged by due process of law, and the Board of Commissioners are hereby empowered to enter into an agreement with any authorized agent of the United States for the subsistence and care of such persons; the cost of same to be paid by the United States in such sum or sums as may be mutually determined. All said persons so confined shall be subject to all the provisions of this Act as though being committed by decree of a Court of the Territory for Territorial purposes. The Superintendent shall keep or cause to be kept a record of each and all infractions of all existing rules and any that may be hereafter established; with the name of the convict, the date and character of the offense and a copy of such record shall constitute a portion of his quarterly report to the Board of Commissioners.

SEC. 16. Whenever the conduct of any prisoner confined in the prison shows symptoms of insanity it shall be the duty of the Prison Physician to make examination of said prisoner, and if it be found that such prisoner is so afflicted, the physician shall at once communicate the same in writing to the Superintendent describing as near as may be, the conditions as found, with any suggestions relating thereto. Upon receipt of said communication by the Superintendent it shall be his duty to communicate at once with the nearest local authority having jurisdiction under the laws of the Territory concerning persons alleged to be insane; and thereafter all proceedings shall conform to the law governing such cases, *provided* that if said person is found insane by the authority

aforesaid, the officer conducting such examination shall commit the insane person to the care and custody of the Superintendent of the prison for immediate transmittal to the Asylum for the Insane, wherever designated by the Territory ; and all costs arising in the proceeding, of whatever nature, shall be borne by the Territory after due presentation and approval by the Board of Commissioners at any regular meeting. It shall be the duty of the person having charge of the Insane Asylum to which the insane person has been committed, to render quarterly, to the Superintendent of the prison, a report of the condition of said person, and whenever it shall appear that said person has so far recovered as to continue service in the prison without further risk, he shall be returned to serve any unexpired time, the period in the Insane Asylum being counted as though served in prison ; should the period of commitment expire, however, during the time that the insane person is confined in the Asylum, the Superintendent of the prison shall forward to said person his legal discharge from the prison. All costs arising on the return of any person from the Asylum, shall be discharged in manner heretofore defined.

SEC. 17. Whenever any prisoner shall suddenly decease without apparent cause, or be suddenly killed by accident or while attempting to escape, it shall be the duty of the Superintendent to communicate the facts, as near as can be ascertained, to the nearest Coroner of the Territory, and thereafter all proceedings in the matter of inquest shall be conducted as now provided by law. Upon the termination of the inquest and rendition of a verdict by the jury, the Coroner shall furnish the Superintendent a certified copy of the verdict therein rendered ; and the Superintendent shall file the same in his office, and embody it in his report to the Commissioners. All costs of this proceeding shall not exceed the fees allowed by statute, and shall be settled by the Board of Commissioners, as other claims at any regular meeting.

SEC. 18. The Board of Prison Commissioners shall require of every able-bodied convict as many hours of faithful labor in each and every day, during his term of imprisonment, as shall be prescribed in the rules and regulations of the Prison, and every convict faithfully performing such labor and being in all respects obedient to the rules and regulations, or if unable to work, yet faithful and obedient, shall be allowed from his term a deduction of two months in each

of the first two years; four months in each of the next two years and five months in each of the remaining years of his term; *provided*, that any such convict who shall commit an assault upon any fellow convict, guard, or other person belonging to or in any wise connected with said Prison; or in any manner endanger the lives of the persons aforesaid, by any flagrant disregard of the rules, or any misdemeanor whatever, shall forfeit all deductions of time earned by him for good conduct prior to the commission of such offense. Such forfeiture, however, shall only be made by the Board of Commissioners after due proof of the offense and notice to the offender, nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the Commissioners shall be the sole judges.

SEC. 19. Every prisoner confined in the Territorial Prison for a less term than for life who escapes therefrom shall upon conviction of such charge be imprisoned for a term equal in length to the term he was serving at the time of such escape, to commence from the time he would otherwise have been discharged from the prison, and every prisoner who attempts to escape shall upon conviction of such charge be imprisoned not less than two or more than five years, to commence from the time such prisoner would otherwise have been discharged from prison.

SEC. 20. There shall be a Board of Pardon to consist of three persons to wit: the Governor of the Territory, the Attorney-General and the Chairman of the Board of Prison Commissioners, either two of whom shall constitute a quorum for business and make such rules and regulations for their own government as may be necessary or desirable. The Governor to act as Chairman. Their place of meeting shall be at the Capitol of the Territory.

SEC. 21. The Board shall meet quarterly, on the third Monday of January, April, July and October of each year, and consider the applications for pardons or commutations of sentence and take such action as they deem proper under the circumstances, and all petitions for pardons or commutation of sentence shall be addressed to the Territorial Board of Pardons at the Capitol, and be accompanied by such documents as may be required under the rules and regulations established by the Board.

SEC. 22. The Board having considered an application for pardon or commutation of sentence and having granted the same, shall inform the proper officer having the person in charge in writing of their action, who, upon receipt of the same, shall immediately discharge the person pardoned or commute the sentence of the person in whose favor commutation has been granted. In case pardon or commutation of sentence is refused the applicant or his attorney shall be informed of the action of the Board.

SEC. 23. The Board shall publish their quarterly proceedings and the Chairman shall certify all accounts to the Territorial Auditor who shall draw his warrant directly upon the Territorial Treasurer accompanying the same with proper vouchers of the expenditures of the Board or its members, and the Treasurer shall pay said warrant out of the General Fund

SEC. 24. Whenever any prisoner is pardoned by the Board, the officers to whom said pardon is addressed for execution, shall, immediately after executing the same, make return thereof and his proceedings thereon to the Secretary of the Territory, retaining one copy in his office and transmitting one copy to the Clerk of the Court in which the recipient was convicted, and such copy shall be filed and docketed by said Clerk in the papers and registry of the case.

SEC. 25. Every prisoner when he leaves the prison shall have returned everything of value taken from him when entering on his term of confinement, and likewise all money at that time received and not disposed of by him, and all such other further sums as may be earned by him, or from gifts or otherwise from any source; he shall furthermore be furnished with five dollars in cash and a suit of clothes not to exceed in cost the sum of fifteen dollars, and further he shall be furnished with a half fare untransferable ticket on any railroad adjacent to the place of discharge for any continuous distance not to exceed three hundred miles in any direction, and if said ticket is not availed of within three days of the date of discharge, unless in case of inability caused by illness, the same shall be void.

SEC. 26. At any time within three months prior to the coming discharge of any prisoner in confinement, he shall be permitted to allow his hair, beard and mustache to grow if he so elects.

SEC. 27. That all Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 28. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 77.

AN ACT

To create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and to prescribe the salaries and duties of certain county officers of the County of Pima.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in and for the County of Pima, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years and until his successor is elected and duly qualified.

SEC. 2. Within thirty days after the passage of this Act, it shall be the duty of the Chairman of the Board of Supervisors, Probate Judge, County Recorder, and District Attorney and Treasurer of said County of Pima, to appoint a County Assessor in and for said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his office shall execute a bond to the Territory of Arizona in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors of said county.

SEC. 3. The condition of said bond shall be in substance, as follows: "Whereas, the above bounden (insert name of Assessor) hath been elected (or appointed, as the case may be) to the office of County Assessor of the County of Pima, now, therefore, the condition of the above obligation is such, that if the said ——— shall well, truly and faithfully in all things, perform and execute the office of County Assessor of said

County of Pima during his continuance in office, without fear or favor, fraud, deceit or oppression, and shall pay over all moneys that may come into his hands as such County Assessor, then the above obligation to be void; otherwise to remain in full force and effect.

SEC. 4. It shall be the duty of the County Assessor created by this Act, to perform all the functions heretofore imposed upon and performed by the Sheriff of the County of Pima, when acting as Assessor, and to collect all poll taxes as have heretofore been collected by the Tax Collector.

SEC. 5 The County Assessor of the County of Pima, Territory of Arizona, shall receive to his own use as full compensation for all services rendered by him or his deputies, pursuant to this Act, the following salary per annum and none other, to be paid whenever the duties of making the assessment of the property is completed in each year, to wit: the sum of fifteen hundred dollars; *provided, however*, that he shall, in addition to the salary above established, receive to his own use, for the collection of personal property tax, and taking a bond for the payment thereof, the same fees as have been heretofore allowed to the Sheriff when acting as County Assessor and Tax Collector, and fifty cents for every poll tax collected.

SEC. 6. The County Treasurer of said County of Pima shall be *ex officio* Tax Collector in and for said Pima County, and shall perform all the duties heretofore imposed upon the Sheriff as *ex officio* Tax Collector, in the collection of taxes listed upon the tax roll, and it shall be his duty to proceed to collect the taxes therein mentioned, and for that purpose he shall post notices in three conspicuous places in each voting precinct in the county notifying the taxpayers that their taxes for the current year, are due and payable at the office of the Tax Collector of the county, and must be paid on or before the third Monday of December following, under a penalty of five per cent to be added thereto, and shall also publish a like notice in that newspaper published in the county having the largest circulation within the county, once a week for eight weeks prior to said third Monday of December, which said notices shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 7. It is hereby made the duty of the Board of Supervisors of said Pima County to provide a safe and suitable vault for the deposit of all county moneys, and the duty of

the County Treasurer and *ex officio* Tax Collector to keep all of said moneys therein. If the County Treasurer and *ex officio* Tax Collector shall keep any moneys of the County in a private bank or other private place of deposit, or loan or use said moneys for his own gain or the gain of another, he shall be deemed guilty of a felony, and upon conviction he shall be punished by imprisonment in the Territorial Prison, for a term not less than one nor more than ten years.

SEC. 8. The County Treasurer and *ex officio* Tax Collector of said Pima County shall receive to his own use, as full compensation rendered by him or his deputies as Treasurer and *ex officio* Tax Collector, the following salary per annum, in lieu of all percentage heretofore allowed, to be paid in quarterly installments at the end of each quarter, to wit: the sum of three thousand dollars, and he shall not collect or receive any percentage whatever for the collection of taxes, except such percentage as is required by law to be paid upon delinquent taxes.

SEC. 9. The Sheriff of said Pima County shall receive to his own use, as full compensation for all services rendered by him or his deputies, except as hereinafter provided in this Section, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: seven thousand five hundred dollars; *provided, however*, he shall, in addition to the salary above established, receive for his own use all rewards paid to him for the apprehension, arrest, or conviction of criminals, and in case he renders other services outside of his county, or in the transportation of convicts to the Penitentiary, the Board of Supervisors must allow him the amount of his actual expenses, and the same shall be paid from the General Fund of said county, and the Board of Supervisors of said County of Pima may, in case of riot or other emergency, allow and pay the said Sheriff for such additional help as may be required to perform the work of his office to the satisfaction of the people; *provided, further*, that said Sheriff shall receive for each and every mile actually and necessarily traveled within his county, by himself or his deputies, in the discharge of his duties as Sheriff in any criminal case, mileage at the rate of ten cents per mile, for each and every mile so actually and necessarily traveled, to be paid out of the General Fund of the county, as other claims against the county are paid, and said Sheriff shall further receive and retain for his own use all amounts paid to him as mileage in

any civil case, as is now provided by law; and said Sheriff shall further be allowed all necessary keeper's fees in civil cases, but in no case shall he be allowed more than four dollars per day for each keeper.

SEC. 10. The County Recorder of said Pima County, shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: the sum of three thousand dollars.

SEC. 11. The District Attorney of said Pima County, shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, viz.: the sum of three thousand six hundred dollars; *provided, however*, that whenever required by any Justice of the Peace, distant from the county seat, to appear and attend any preliminary examination before such Justice, he shall be allowed mileage at the rate of ten cents per mile for every mile necessarily traveled by the most practicable route, to be paid from the General Fund, as other claims against the county are paid.

SEC. 12. The Clerk of the District Court of said county, shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary, per annum, to be paid in quarterly installments at the end of each quarter, viz.: the sum of twelve hundred dollars.

SEC. 13. The Probate Judge of said Pima County, shall receive to his own use as full compensation for all services rendered by him as Judge of the Probate Court, *ex officio* County Superintendent of Public Schools and as Clerk of the Probate Court, including all services rendered by deputies, the following salary, per annum, to be paid in quarterly installments at the end of each quarter, to wit: the sum of fifteen hundred dollars.

SEC. 14. Nothing in this Act contained shall be so construed as to take away or effect the right of any officer herein mentioned from demanding, collecting and receiving the fees of his office, now or hereafter allowed by law, and paying the same into the County Treasury, as hereinafter required;

provided, however, that no officer shall charge against said Pima County, nor shall said County of Pima allow or pay any fee, percentage or per diem other than as provided for by this Act.

SEC. 15. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge and Clerk of the Probate Court of said Pima County, shall each keep a fee book in which he shall enter an exact and full account of all fees, mileage, commissions or compensations and percentages of whatever kind or nature by him or his deputies, earned and collected with the date, the name of the payer and the nature of the service in each case. Immediately after the close of his official term he shall deposit said book in the office of the Clerk of the Board of Supervisors of said County of Pima. On the first Monday in January, April, July and September, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors of said county a sworn statement in writing of the amount of fees, commissions, compensations and percentage earned and collected by him or his deputies for official services during the three calendar months ending on the last day of the previous month. If any person occupying any of said offices shall hold more than one office he shall keep a separate fee book for each office and shall make separate statements for each. The Clerk of the Board of Supervisors of said county is hereby required to make an abstract of the amount of fees, compensation and percentage returned to him as having been earned and collected by the respective officers named in this Section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory in the month of January in each year, to be by him filed, kept and preserved in his office for the inspection of the public, Territorial Officers and the Legislative Assembly as other public records and documents. Every county officer mentioned in this Section who shall willfully fail or neglect to file such statements as required by this Section shall be removed from his office by the Board of Supervisors of said County of Pima and be guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction shall be fined in any sum not exceeding five thousand dollars.

SEC. 16. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge and Clerk of the Probate Court, of said Pima County, shall on the first Monday of each month in each year pay into the County Treasury of said county, ex-

cept as in this Act otherwise provided, all money collected and received by them severally for fees, commissions, compensation or percentage of their several offices during the month next preceding, and take the receipt of the County Treasurer in duplicate therefore, and forthwith file such duplicate receipt with the Clerk of the Board of Supervisors. Said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors upon file in his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him as required by the provisions of this Section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Territorial prison for a term not less than one year nor more than ten years.

SEC. 17. It shall be the duty of every officer mentioned in the last two preceding Sections of this Act to collect in advance all fees, commissions, compensation and percentage allowed by law.

SEC. 18. The Board of Supervisors of said Pima County shall prescribe the number and compensation of all employees in and about the County Jail of said county, and shall allow and pay said employees in the same manner as other charges against the county are allowed and paid.

SEC. 19. All fees paid to the County Treasurer of Pima County by virtue of this Act shall be by him placed in a fund to be known as the "General Salary Fund," and all warrants drawn by the Board of Supervisors for salaries as provided in this Act shall be drawn on said Salary Fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn, upon demand the Board of Supervisors are hereby authorized to transfer from the General Fund of the county to said Salary Fund so much money as may be necessary to pay said warrants, and if at any time the amount of money in said Salary Fund is more than sufficient to pay the warrants so drawn upon said fund, the Board of Supervisors are hereby authorized to transfer such amounts as they may deem proper from said Salary Fund into the General Fund of the County.

SEC. 20. This Act to take effect and be in force from and after April 1, 1885, except Sections 1, 2, 3, 4 and 5 which shall take effect from and after its passage.

SEC. 21. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1885.

No. 78.

AN ACT

Supplemental to an Act entitled "An Act to aid in the construction of a certain railroad between the City of Phoenix and the Southern Pacific Railroad," approved March 4, 1885.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. If the Board of Supervisors of Maricopa County fail to comply with the provisions of the Act of the Legislative Assembly of the Territory of Arizona entitled "An Act to aid in the construction of a certain railroad between the City of Phoenix and the Southern Pacific Railroad," approved March 4, A. D. 1885, and do not within thirty days after the passage of said Act, meet at the county seat of Maricopa County, and issue the bonds of said county in the sum of two hundred thousand dollars, in the manner and form in said Act provided, and deposit said bonds in said sum of two hundred thousand dollars when so issued with the County Treasurer of said Maricopa County, as in and by said Act said Board is required to do, then and in such event it is hereby provided that Neils Peterson of Tempe, James M. Cotten and Wm. R. Morris of Phoenix, shall constitute a Board of Commissioners to be known as the "Board of Railroad Commissioners of Maricopa County," whose duty it shall be in the same manner as provided in said Act, whereof this Act is supplemental for the said Board of Supervisors, and in lieu of said Board of Supervisors, to prepare, issue and deliver said two hundred thousand dollars in said bonds to said Treasurer of said Maricopa County, and said Treasurer shall receive said bonds from said "Board of Railroad Commissioners;" and said "Board of Railroad Commissioners" shall in all things provide for the carrying out of the provisions of the said Act whereof this Act is supplementary in lieu, place and stead of said Board of Supervisors, except as to the levying of taxes for the payment of the interest and principal of the bonds authorized by said Act to be issued; and in the event that said Board of Supervisors of Maricopa County shall fail or refuse to do or perform any act required and directed by this Act or the Act to which this Act is supplementary to be performed by said Board of Supervisors; except as to the levying of taxes, then and in that event the said Board of Railroad

Commissioners, created by this Act, shall proceed and perform such act in the place and stead of said Board of Supervisors, with the same force and effect as though such act or acts had been performed by said Board of Supervisors.

SEC. 2. Said Commissioners shall elect a Chairman of their Board, and in the event of the issuing of said bonds by said Commissioners, he shall sign said bonds as Chairman of said Board of "Railroad Commissioners of Maricopa County," affixing his own proper name and official character and the seal of said Board of Railroad Commissioners in lieu and stead of the Chairman of said Board of Supervisors, and the seal thereof; and he shall preside at all meetings of said Board, and in the event that said Board of Railroad Commissioners of Maricopa County, shall enter upon the discharge of their duties as such Board, and prepare and issue said bonds in consequence of the failure of said Board of Supervisors to perform the duties prescribed by the Act, to which this Act is supplementary, or any one of said duties; then and in such case whenever and wherever the words "Board of Supervisors" appear in the Act to which this Act is supplementary, the words "Board of Railroad Commissioners of Maricopa County" shall be, and they are hereby substituted for said words, "Board of Supervisors," except where they relate to the levy and collection of taxes, and the Act to which this Act is supplementary shall read and be construed accordingly; and from and after the happening of that event said "Board of Railroad Commissioners of Maricopa County" shall have exclusive power to proceed under and carry out the provisions of said Act to which this Act is supplementary as to all matters except the levying and collecting of taxes; and the Chairman of said Board of Railroad Commissioners shall perform all the functions which would otherwise have been performed by the Chairman of the Board of Supervisors, and said Board shall also adopt a common seal, which shall be used in all cases when the seal of the Board of Supervisors would otherwise have been used under the Act to which this Act is supplementary, and be affixed to said bonds in lieu of the seal of said Board of Supervisors, and for no other purpose; and said bonds when so issued shall have the same force and effect as though they have been issued by said Board of Supervisors, and the faith and credit of said Maricopa County is hereby pledged for the payment of said bonds, whether issued by said Board of Supervisors or said Board of Railroad Commissioners.

SEC. 3. Upon the completion of the duties of said Board of Railroad Commissioners as in this Act and the Act to which this Act is supplementary, *provided*, the said Board of Railroad Commissioners shall turn over to the Board of Supervisors of Maricopa County their common seal together with a record of their proceedings at any and all meetings held by them under the provisions of this Act *and the Act* to which this Act is supplementary, which said Board of Supervisors shall receive and carefully keep and preserve as permanent files and records in their office.

SEC. 4. The members of the Board of Railroad Commissioners created by this Act shall receive a compensation at the rate of ten dollars per day, for each day actually and necessarily engaged in discharging the duties of their office, but in no event shall the total compensation allowed any one Commissioner exceed the sum of fifty dollars.

SEC. 5. It is hereby declared to be the true intent and meaning of the Act whereof this Act is supplementary, that the bridge to be constructed across Salt River by the Railroad Company, in said Act mentioned, shall be located at the most practicable point for the erection of such bridge across said river, at Hayden's Ferry, which is declared to be for the purposes of construing said Act, a part of and within the boundaries of Tempe.

SEC. 6. Nothing in this Act contained shall be construed to relieve or take away the duties and obligations imposed upon the Board of Supervisors of Maricopa County by the said Act whereof this Act is supplementary.

SEC. 7. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 79.

AN ACT

Authorizing a loan on the faith and credit of Graham County and to provide for the building of a certain wagon road therein.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of five thousand dollars is hereby authorized to be negotiated on the faith and credit of the County of Graham, in the Territory of Arizona, to be paid at the expiration of twenty years from the date thereof, at the rate of seven per cent per annum.

SEC. 2. The County Treasurer of Graham County is hereby authorized and directed, when required by the Board of Supervisors, to issue bonds of said county in sums of five hundred dollars each, payable within twenty years from date and not exceeding in the aggregate the said sum of five thousand dollars, in the following form, to wit:

Bond No.

\$.....

Stockton Pass and Stockton Ranch Wagon Road Bond.

.....day of.....A. D. 188..

Twenty years after date the County of Graham, Territory of Arizona, promises to pay to the order of the Chairman of the Board of Supervisors of Graham County Five hundred dollars, with interest at the rate of seven per cent per annum from date, payable annually at the office of the County Treasurer of Graham County, for value received.

{ SEAL OF BOARD OF }
{ SUPERVISORS. }

Treasurer Graham County, Arizona Territory.

SEC. 3. All such bonds shall be signed by the County Treasurer, with his own name, affixing his official character, and shall be authenticated with the seal of the Board of Supervisors, which seal the Chairman of said Board of Supervisors is hereby authorized to affix to said bonds, and shall be endorsed by the Chairman of the Board of Supervisors of said county, with his proper name, affixing his official character. The County Treasurer shall then make a register of said

bonds, showing the number and amount of each bond, and said register shall be filed and kept in his office. The County Treasurer shall sign the coupons attached to said bonds with his own proper name, affixing his official character. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to ten inclusive, each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all bonds issued by him, and shall deliver to the Board of Stockton Pass and Stockton Ranch Road Commissioners, hereinafter created, all the bonds, or such parts thereof as the said Board of Commissioners shall require under the provisions of this Act.

SEC. 4. The County Treasurer shall pay the interest on said bonds when due, taking the coupons as his vouchers, therefore, from the "Stockton Pass and Stockton Ranch Wagon Road Sinking Fund," as provided for in this Act, and he shall endorse across the face of each such coupons the word "cancelled."

SEC. 5. There shall be a Board of Commissioners composed of three persons to be nominated by the Governor, and by and with the advice and consent of the Legislative Council, appointed for the purpose of carrying out the provisions of this Act, and said Board shall be known and designated as the "Stockton Pass and Stockton Ranch Road Commissioners," each of whom shall give a bond in the sum of five thousand dollars for the faithful performance of his duties as such Commissioner, to be approved by the Governor before entering upon his duties as such Commissioner.

SEC. 6. That upon the qualification of said Commissioners, they are hereby authorized to receive from the County Treasurer the bonds by this Act authorized to be issued, and within thirty days thereafter said Board shall offer said bonds for sale and sell the same for cash; *provided*, they shall be enabled to realize a net price of ninety-five cents on the dollar therefor, and if they are not enabled to sell said bonds for said price they may use the same in payment for the work thereafter authorized to be performed by said Commissioners.

SEC. 7. Said Commissioners shall, if they are able to dispose of said bonds at ninety-five cents on the dollar, cash, or use the same in payment for the work at said rate, as soon as practicable cause to be surveyed and located a wagon road by and over the most practicable route from a point at the base of the mountain, north of what is known as Stockton Pass, and through said Pass to Stockton's Ranch south, the entire distance, being about fifteen miles distance, the entire length of said road in said County of Graham and Territory of Arizona, and to proceed to cause the same to be graded and constructed of such width and in the best manner which said sum of money, by this Act placed at their disposal, will pay for.

SEC. 8. There shall be levied annually upon the taxable property in said Graham County a tax of two cents upon each one hundred dollars, such tax to be levied and collected in the same manner as is now provided by law for the assessment and collection of taxes within this Territory. The tax so collected shall be placed by the Treasurer of said county in a fund, to be denominated "Stockton Pass and Stockton Ranch Wagon Road Sinking Fund," and the money so appropriated shall be applied to the payment of the interest on said bonds when due, and the surplus as hereinafter provided, and said Fund shall not be used for any other purpose whatever.

SEC. 9. Whenever there shall be accumulated in said Stockton Pass and Stockton Ranch Wagon Road Sinking Fund the sum of five hundred dollars in excess of the interest due and payable upon outstanding bonds, issued as provided by this Act for the year in which such excess shall have occurred, the County Treasurer of said county shall advertise for bids for the surrender of bonds issued in pursuance of this Act, which advertisement shall be for a period of twenty days in some newspaper printed in the county, if there be any, and by posting notices in at least three public places in the county, and such advertisements and notices shall specify a day on which said Treasurer will open bids for the surrender of any such bonds. All offers for the surrender of bonds shall be sealed proposals and shall be endorsed, "Proposals for the surrender of Stockton Pass and Stockton Ranch Wagon Road Bonds." On the day named in such advertisement and notices some one member of the Board of Supervisors and the County Treasurer shall, between the hours of 10 A. M. and 4 P. M. of

that day, proceed to the office of the latter, and shall publicly open all proposals offered and shall accept the lowest bid offered to the extent of money in said fund applicable to the redemption of such bonds, and if two proposals are the same and the lowest offered, the bond lowest in number shall be first paid; *provided*, that no offer shall be considered unless the bonds proposed to be surrendered shall accompany the proposal, and no bids shall be accepted for more than the par value of any such bonds. Upon the acceptance of any proposals offered, the Treasurer shall pay the person or persons whose bids have been accepted, out of the said Stockton Pass and Stockton Ranch Wagon Road Fund, the money for which bond or bonds were offered, and shall endorse across the face of the same the word "cancelled," and upon the back of such bond so cancelled he shall endorse the day and the year the same was paid, the person or persons to whom paid, the rate at which same was paid, and the whole amount paid on account of such bond, and the Treasurer shall file the same in his office as his voucher for the sums of money paid by him on account of said fund. If, when money has so accumulated in said fund and notice thereof given as in this Section provided, no bids are offered for the surrender of any such bonds, the County Treasurer shall set apart such money and advertise, for the same period and in the same manner as for the surrender of bonds, which advertisement shall specify the sum of money there is in his hands applicable to the payment of bonds issued under authority of this Act, and shall in such notice call for the surrender of bonds equal to the money in his hands, with the interest due thereon, which bonds so called for surrender shall be lowest in number then outstanding and unpaid. Said Treasurer shall further state in said notice the number and denomination of the outstanding bond or bonds he is ready to redeem or cancel, and interest for such bonds shall cease after ten days from the last publication of such notice.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 80.

AN ACT

Amendatory of and supplemental to "An Act concerning the Escheated Estates," approved October 26, 1866, and providing for the recovery, preservation and disposition of property belonging to the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. It shall be the duty of each of the several Probate Judges of the Territory and of every other Judge of a Court having jurisdiction over the administration of the estates of deceased persons, to make a report quarterly on the first Monday in January, the first Monday in April, the first Monday in July and the first Monday in October in each year, and commencing on the first Monday in April, A. D. 1885, to the Territorial Auditor in writing, stating in the report to be made on the first Monday in April, 1885, the names of all deceased persons on whose estates letters testamentary or of administration have been issued by the Probate Court of his county ; the name of each executor or administrator appointed ; the appraised value of each estate, whether distributed to heirs or creditors ; the date of all letters testamentary or of administration ; and in all cases wherein any estate has remained undistributed to creditor or heirs for one year or more after the issuing of letters thereon, with a brief statement of the reasons for such delay and of the character and condition of the assets of such estate ; and stating the same things in each report thereafter until reference to the estates of all persons upon which letters shall have been granted after the last report made ; and the Territorial Auditor shall receive and file said reports in his office, and carefully preserve the same as part of the public records and files of his office.

SEC. 2. The Act entitled "An Act concerning escheated estates," approved October 27, 1866, is hereby amended in each and every section thereof, by striking out of said Act the words "District Attorney," and said words are hereby stricken out of said Act ; and, by inserting in said Act, and the same are hereby inserted in said Act, viz: the words "Attorney-General" in the same place where and in lieu and stead of said words "District Attorney," so stricken out.

SEC. 3. In case the Attorney-General shall bring any action or proceeding to recover property or moneys in behalf

of the Territory or to obtain judgment that any money or property have escheated to the Territory, or that the Territory is siezed thereof, it shall be the duty of the District Attorney and all other county officers of the county where the action or proceeding is or is to be brought, to render such assistance in the furnishing of information and in the preparation for the commencement and trial of such action or proceeding as may be required by the Attorney-General, free of charge ; and the District Attorney of the county where such action or proceeding is brought, shall, when requested by the Attorney-General, act as the local attorney in the case and faithfully and diligently prosecute or defend as the exigencies of the case may require in behalf of the Territory.

SEC. 4. The Governor, Territorial Treasurer and Territorial Auditor are hereby made the custodians of all property both real and personal, other than money which has now escheated to the Territory of Arizona, or which shall hereafter escheat thereto, or which has been or shall hereafter be purchased by or struck off to the Territory of Arizona at any tax sale ; and they are hereby authorized to enter into possession of all such property and to keep and preserve the same for the use and benefit of the Territory, and in all cases, when, in their judgment, it is necessary for the preservation of such property they are hereby authorized to direct the Sheriffs of the several counties where the same is situated to enter into possession and safely keep the same until it shall be disposed of for the use of the Territory ; and in all cases, when in their judgment such property is liable to be wasted, lost or destroyed, or the title or rights of the Territory thereto to lapse, they are hereby authorized to direct the Sheriff of the county to sell at public auction in the same manner and upon the same notice and give to the purchasers at such sale the same evidence of their purchase that he is required to give at the sale of property under execution, except that no redemption shall be permitted, and the order of the Governor, Auditor and Treasurer for such sale shall be sufficient authority for making such sale, and all sales so made shall be absolute, and the certificate of sale of such personal property, and deed of any such real property, executed by the Sheriff at any sale made by him shall vest the grantee therein with all the right, title and interest of the Territory of, in and to such property. The Sheriff shall make a return upon the order of sale in the same manner that he is required to make returns of sales of property under execution, said order and return shall be filed

with the Territorial Auditor and kept by him as a permanent file in his office. All moneys received by any Sheriff for property sold shall be paid by him to the Territorial Treasurer, who shall give him a receipt therefor in duplicate, one of which receipts the Sheriff shall deliver with his return upon the order of sale to the Territorial Auditor.

SEC. 5. The Sheriff shall receive the same fees for his proceedings under any order of sale or keeping of property by order of the Governor, Auditor and Treasurer as are allowed by law for similar services under the process of the Court, to be paid by warrant drawn upon the Territorial Treasurer by the Governor and Auditor, who are hereby authorized to audit any such demand and draw warrants therefor. Neither the Attorney-General nor District Attorneys shall receive any compensation for services rendered under this Act except when moneys are actually collected and paid over by them, in which case they shall each be entitled to receive and retain to their own use severally five per centum of the moneys collected.

SEC. 6. The Governor, Treasurer and Auditor are hereby authorized to request all moneys belonging to the Territory to be paid into the Treasury, to cause actions to be commenced for the recovery of money or property belonging to the Territory, and in all cases when money is recovered and paid into the Treasury they are authorized to allow and pay out of such moneys recovered reasonable attorneys fees and incidental expenses of the recovery, and the proceedings of the Governor, Treasurer and Auditor heretofore in making such demands and causing actions to be commenced are hereby ratified.

SEC. 7. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 81:

AN ACT

To aid in the construction of a railroad in Yavapai County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever any person, corporation or association of persons duly incorporated under the laws of the Territory of Arizona, for the purpose of constructing the railroad

in this Act set out and described, shall have completed the road-bed and laid the ties and rails for the distance of ten miles along the route of said road herein described, and shall apply to the Board of Supervisors of the county wherein said railroad shall have been constructed, it shall be the duty of such Board of Supervisors to appoint some competent person to inspect and report to the Board of Supervisors that all the requirements of law have been complied with, upon which report they shall issue said bonds as herein provided, and such Board of Supervisors are hereby authorized, directed and required, within ten days after the completion of such ten miles of railroad as aforesaid, to meet at the county seat of their county, and then and there issue the bonds of said county in the sum or sums per mile of railroad as hereinafter provided, and in the manner and form as hereinafter provided, and which said bonds shall, within thirty days thereafter, upon proof of such person, corporation or association of persons, so constructing said railroad, being filed with said Board of Supervisors, together with the certificate of the Chief Engineer of such person, corporation or association that such ten miles of railroad have been actually constructed as aforesaid, be issued, paid and delivered to said person, corporation or association so constructing said railroad, who shall then and there receipt to the said Board of Supervisors of said county for the same. And whenever, and as often as ten miles along the route of said road herein described, additional to the first ten miles, shall have been constructed as aforesaid, it shall be the duty of the Board of Supervisors of said county, and such Board of Supervisors are hereby authorized, directed and required to meet as aforesaid, at the county seat of their county, and then and there issue the bonds of said county, in a like amount per mile, and in the like manner and form as hereinbefore and hereinafter provided, and which said bonds shall, upon such person, corporation or association so constructing said additional ten miles of said railroad filing with said Board of Supervisors the proofs and certificate hereinbefore called for, that said additional ten miles have been so actually constructed as aforesaid, be issued, paid and delivered to said person, corporation or association so constructing said railroad, who shall then and there receipt to the Board of Supervisors of said county for the same; *provided, also*, that if the last section along the route of said railroad to its terminal point in the County of Yavapai, as hereinafter described, shall be less than ten miles in length along said road, and whenever said last section of ten miles or less than ten miles shall have been

actually constructed, and the proofs thereof and certificate as hereinbefore called for, filed with the Board of Supervisors of said county as aforesaid, it shall be the duty of said Board of Supervisors to meet at the county seat of their county and then and there issue the bonds of said county in like amount per mile as hereinbefore provided for each ten miles along the route of said road ; which said bonds shall be issued, paid and delivered to said person, corporation or association so constructing said last section of ten miles or less than ten miles ; *provided, however,* that the said Board of Supervisors shall be required to reserve or withhold payment of the sum of one thousand dollars per mile for each and every mile of railroad built in accordance with the provisions of this Act, until the said railroad shall reach the City of Prescott, and when said railroad shall be completed to said city as provided in Section 2 of this Act, then shall the reserve or balance of one thousand dollars per mile shall be due the person, corporation or association building said railroad, and the Board of Supervisors shall issue, pay and deliver the bonds of the county to the person authorized to receive the same.

SEC. 2. The route of the railroad in the County of Yavapai to which the provisions of this Act shall apply shall be as follows: Commencing at a point on the line of the Atlantic and Pacific Railroad at or near Chino Station in said Yavapai County, Arizona Territory, and running thence by the most practicable route to the City of Prescott in said County, thence south from the City of Prescott by the most practicable route, crossing the Hassayampa Divide, thence down the Hassayampa River, as near as practicable, or by the head of Turkey Creek and Battle Flat, to the northern boundary line of the County of Maricopa, Territory aforesaid, and the depot and station warehouses of said railroad at the City of Prescott—shall be situated within one mile of the County Court-house of Yavapai County, situated in the center of said city.

SEC. 3. The Board of Supervisors of the County of Yavapai shall issue, pay and deliver the bonds of the County in the manner and form as in this Act provided, and upon the construction as aforesaid of ten miles of railroad or any additional ten miles and fractional part of ten miles of said railroad, of the route of the road herein set out and described and running through the said County of Yavapai, at the rate of three thousand dollars per mile, for each and every mile of a narrow gauge road of not less gauge than thirty-six inches so constructed as aforesaid, or at a rate of four thousand dol-

lars per mile for each and every mile of a standard guage railroad so constructed as aforesaid along the route of the road in this Act described and running through said County of Yavapai.

SEC. 4. The bonds provided for in this Act shall be of the denomination of one thousand dollars each, and shall bear interest at the rate of seven per cent per annum, interest payable annually, and shall have coupons for said interest attached so that said coupons may be removed without mutilation to the bond. The said bonds shall be issued in the name of the County of Yavapai, and shall be made payable to the railroad company constructing the road as aforesaid, or bearer, thirty years after date, and shall be made payable both principal and interest at the office of the County Treasurer. The said bonds and coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer, and shall be countersigned by the County or District Clerk who shall also affix to each bond the seal of the District Court in and for said county, and the Board of Supervisors of said County of Yavapai are hereby authorized and directed, within thirty days after the passage of this Act, to prepare or cause to be prepared a sufficient number of bonds to meet the requirements of this Act in the form and manner as follows :

No..... \$1,000.

Yavapai County Railroad Bond.

For value received, thirty years after date, the County of of Yavapai, of the Territory of Arizona promises to pay toor bearer, one thousand dollars, with interest thereon at the rate of seven per cent per annum from date, according to the coupons hereunto attached ; said interest to be paid annually on the date hereof, at the Treasury of said County of Yavapai, and to pay both interest and principal in gold coin of the United States.

Dated at Prescott, A. T., this.....day of....., A. D. 18.....

[Seal.]

.....
Chairman of Board of Supervisors.

.....
Treasurer Yavapai County.

.....
Clerk of.....

With coupons attached in such manner that they may be detached without mutilating the bond, one coupon for each year's interest which shall become due on said bond; said coupon shall be numbered with the number of said bond, and shall be in form as follows:

No. \$70.00

For value received on the day of, 1....., the County of Yavapai, Territory of Arizona, promises to pay, at the office of the Treasurer of said County, seventy dollars, being the interest on Yavapai County Railroad Bond No.... to date.

.....

Chairman Board of Supervisors.

[Seal.]

.....

Treasurer Yavapai County.

.....

Clerk of.....

SEC. 5. The Board of Supervisors of said County of Yavapai are hereby authorized and directed, at their first regular meeting after the first issuance of bonds issued and delivered under the provisions of this Act, and annually thereafter, and at the time and in the manner provided by the general revenue laws of the Territory for levying taxes therein, to levy such additional tax as may be necessary to raise a sum of money sufficient to pay the interest on any outstanding bonds issued under the provisions of this Act; *provided*, that in the year A. D. 1901, and every year thereafter until both the principal and interest of the bonds which may have been issued under the provisions of this Act shall have been paid, the said Board of Supervisors shall, in the manner and at the time provided by the general revenue laws of the Territory for levying taxes therein, levy such further and additional tax as may be required to raise a sum of money sufficient to pay and redeem such amount of bonds and pay the interest thereon annually as will insure the redemption of the whole amount of bonds outstanding within fifteen years from said A. D. 1901, or by the year A. D. 1916, and until the whole of said bonds and the interest thereon shall have been paid and redeemed as aforesaid. The taxes so levied and collected shall, by the

Treasurer of said County of Yavapai, be placed in a fund to be denominated "Railroad Interest and Redemption Fund," and the moneys so placed in said Fund are hereby appropriated, and they shall be used for the purposes named in this Act and for no other purpose whatever.

SEC. 6. The said Treasurer shall, out of said Railroad Interest and Redemption Fund, and if there be not sufficient in said Fund then the amount of such deficiency shall be paid out of the General Fund of said county, pay annually, on the date of each bond, the interest which shall then have accrued upon the said bond, and upon the payment by the said Treasurer of any interest, upon any of the said bonds he shall require the coupons representing the interest paid to be detached and surrendered to him, and he shall endorse across the face thereof the date when he received the same and the amount paid therefor, and the same shall be retained by him in his office and be a voucher for the money paid out.

SEC. 7. Whenever there shall have accumulated in said Railroad Interest and Redemption Fund the sum of one thousand dollars in excess of the interest due and payable in any year, upon all outstanding bonds issued by virtue of this Act, the County Treasurer of said county shall advertise for the surrender of the bonds then outstanding, by publishing a notice in some newspaper published in said county for at least thirty days, and shall state in said notice the amount of bonds he is prepared to redeem, and the time and place where he will receive proposals for the redemption of said bonds. The Treasurer, shall at the time and place named in said notice published as aforesaid, and in the presence of any persons who may desire to be present, open such proposals as may be received, and shall accept only such bids as will cancel and redeem the greatest amount of said bonds for the least amount of money; *provided*, that no bond shall be redeemed at any greater rate than one hundred cents on the dollar; *and provided, further*, that if no proposals be received for the redemption of said bonds between the date of publishing said notice and the time fixed for the opening of said proposals, it shall be the duty of the Treasurer to give at least ten days' notice, by advertising in some newspaper printed in the County of Yavapai, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of said bonds and date of their issuance, which said designation shall be of the bonds bearing the lowest numbers then unredeemed,

and the interest shall cease on said bonds so advertised from and after the expiration of ten days from the first publication of said notice. All bonds, when paid by the Treasurer, shall be marked by him across the face thereof, with the amount paid therefor and the date of such payment, and such cancelled bonds, which shall have the unpaid and not due interest coupons attached thereto, shall be retained by him and be his voucher for the money so paid out.

SEC. 8. The provisions of this Act shall apply to the first railroad constructed within the County of Yavapai, as hereinbefore described in Section 2, and no other; and the person, corporation or association, who shall construct a railroad in the County of Yavapai, as hereinbefore provided, shall commence (or caused to be commenced) work on said road within six months after the passage of this Act, and shall thereafter continue the construction of said road, until so much of the same shall have been completed as shall extend from its point of commencement, at or near Chino Station, on the Atlantic and Pacific railroad, in said County of Yavapai, to the city of Prescott, in said county, and shall continue the further construction of said road south from the City of Prescott to the terminal point of said road in Yavapai County, named in Section 2, of this Act, at as early a date as shall be considered practicable by said person, corporation or association. And said railroad or so much thereof as shall extend from Chino Station, on the Atlantic and Pacific railroad, as hereinbefore described, to the City of Prescott, shall be completed and ready to receive and transport passengers and freight, on or before the first day of January, A. D. 1887, otherwise this Act shall be null and void and of no force whatever; but nothing in this Section shall be construed to affect the payment of any bonds issued and delivered prior to the first of January, A. D. 1887.

SEC. 9. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 82.

AN ACT

Concerning lawful fences and animals trespassing on premises lawfully enclosed in the County of Cochise, Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. All cultivated tracts of land in the County of Cochise, Arrizona Territory, claimed or occupied by any person shall be enclosed by a lawful fence.

SEC. 2. Every enclosure shall be deemed a lawful fence, which shall be four and one-half feet high if made of stone or plank, and which is five and one-half feet high if made of rails or poles, said fence in all cases to be substantial and reasonably strong, and made so close that horses, mules or horned cattle cannot get their heads through it. A lawful fence of hedge or brush shall be at least five feet high and sufficiently close and strong enough to turn stock. If made upon the embankment of a ditch a lawful fence shall not be less than five feet high from the bottom of the ditch and the ditch shall be at least two and one-half feet wide at the top, and the fence shall be at least two feet high from the top of the embankment of the ditch. A wire fence shall not be less than four and one-half feet high, posts shall not be more than ten feet apart, be sound and at least four inches in diameter at the top, and set substantially in the ground and shall have at least three wires and one board of one inch in thickness and six inches in width or a pole that shall be at least one and one-half inches in diameter at the top and securely fastened at each end at or near the top of the fence, the wires to be kept well stretched.

SEC. 3. Any fence, which by good and reliable evidence shall be declared strong and substantial and as well calculated to protect enclosures as either of those described in Section 2 of this Article, shall be deemed a lawful fence.

SEC. 4. If any horses, mules, jacks, jennies, hogs, sheep, goats or any neat cattle shall break into any grounds inclosed by a lawful fence, the owner or manager of such animals shall be liable to the owner, occupier or manager of said inclosed premises for all damages sustained by such trespass, and if

the trespass be repeated by neglect of the owner of such animal or animals, such owner or manager of said stock shall for the second offence be subject to double the damages sustained by the owners or managers of said premises together with costs of suit.

SEC. 5. If the owner, occupier or manager of any grounds or crops injured by any animal or animals breaking into or entering on grounds inclosed or not inclosed by a lawful fence shall kill, maim or materially hurt or injure any animal so breaking into or entering said grounds, he shall be liable to the owner for double the actual damages sustained, and also for all costs incurred in a suit for such damages.

SEC. 6. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make an inclosure on the opposite side of such fence so that such fence shall serve to inclose his land also, he shall pay the owner of the fence erected one-half the value of so much of said fence as serves as a partition fence. When two or more persons own land adjoining which is enclosed by one fence, and either desires that a partition fence shall be made between their lands, such person shall notify in writing the party or parties in interest, and each shall build his proportion of such partition fence, and on failure so to do within three months after such notice, such person giving such notice may build such partition fence, and collect from such other party or parties in default, by law, a just proportion of costs of such partition fence together with costs of suit. Partition fences dividing lands inclosed on both sides shall be kept in repair by all parties in interest. If either party fails or neglects to repair fences after five days notice from the other party, the party giving the notice may repair the same and collect by law a due proportion of the expense of such repairs together with costs of suit. Any party having built or paid for a portion of a partition fence, shall have the right to remove or sell the same, when such fence shall cease to be a partition fence, by a removal of the outside inclosure.

SEC. 7. In all cases of claims for the value of partition fences, or for repairs thereon, a lien shall attach on the land, and notice of such lien shall be filed in the County Recorder's office as provided by law for mechanics liens; and such claim shall draw interest from the time of such filing, at the rate of fifteen per cent per annum.

SEC. 8. Hogs shall not be deemed and considered free commoners, and the owner or owners of any hogs or swine that shall trespass upon the land or premises of any person, shall be liable to such person for any damages sustained by such trespass; and if such trespass be repeated by the neglect of the owner or owners of such hogs or swine, he, or they shall for the second offence be subject to double the damages sustained by the owner of said premises, together with costs of suit.

SEC. 9. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 83.

AN ACT

To provide for the trial of offenses upon information.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Grand Juries shall not hereafter be drawn, summoned or required to attend at the sittings of any Court of this Territory, as provided by law, unless the Judge thereof shall so direct by an order filed with the Clerk of said Court. Such order shall specify the time at which such Grand Jury shall appear before the Court, and the number of days notice or summons which shall be given them.

SEC. 2. The several Courts of this Territory shall possess and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon information for crimes, misdemeanors and offenses, to issue writs and processes, and do all other acts therein as they possess and may exercise in cases of like prosecution upon indictment.

SEC. 3. All information shall be filed during term in the Court having jurisdiction of the offenses specified therein, except as hereinafter provided, by the District Attorney of the proper county, as informant, and he shall subscribe his name thereto.

SEC. 4. The facts constituting the offense charged in any information shall be stated in plain and concise language, without prolixity or unnecessary repetition. The information shall charge but one offense, but it may set forth that offense, in different forms under different Courts, and in all cases a defendant or defendants shall have the same rights as to all proceedings therein as he or they would have if prosecuted for the same offense, upon conviction.

SEC. 5. All provisions of law applying to prosecutions upon indictments, to writs and process therein and the issuing and service thereof, to motions, pleadings, trials and punishments, or the passing or execution of any sentence or judgment, and to all other proceedings in cases of indictment, whether in the Court of original or appellate jurisdiction, shall to the same extent and in the same manner, as near as may be, apply to informations, and all prosecutions and proceedings thereon.

SEC. 6. Any person who may, according to law, be committed to jail, or become recognized as held to bail with sureties for his appearance in Court to answer any indictment, shall in like manner be so committed to jail or become recognized and held to bail for his appearance to answer any information or indictment as the case may be.

SEC. 7. It shall be the duty of the District Attorney for the proper County to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination as provided by law, touching the commission of any offense whereon the offender shall be committed to jail, or become recognized or held to bail; and if the District Attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the Clerk of the Court a statement in writing containing his reasons, in fact and in law, for not filing an information in such case, such statement shall be filed at and during the term of the Court at which the offender shall be held for appearance; *provided*, that in such case the Court may examine such statement together with the evidence filed in the case, and if upon such examination the Court shall not be satisfied with such statement, the District Attorney shall be directed by the Court to file the proper information and bring the case to trial.

SEC. 8. No information shall be filed against a person for any offense until such person shall have had a preliminary ex-

amination, as provided by law, before a Justice of the Peace or other committing magistrate or officer, and held to bail or committed to jail to answer on information or indictment.

- SEC. 9. Whenever any information shall be filed by a District Attorney under the provisions of this Act, and the defendant in such information shall be acquitted or discharged without trial thereof, it shall be the duty of the Court in which the defendant shall be so acquitted or otherwise discharged to determine whether such information was filed upon probable cause and in good faith, and when found to be so filed with the Clerk of the Court, to file a duplicate of such determination that such information was filed for probable cause and in good faith, and when such Court shall not file such duplicate the defendant in such information may maintain an action against such District Attorney for malicious prosecution.

SEC. 10. In case any preliminary examination has been had, as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the District Attorney shall afterwards discover competent and admissible evidence, sufficient in his judgment to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon a second arrest and examination shall be had.

SEC. 11. The information may be in the following form :

*Territory of Arizona, County of..... In.....
Court.*

Territory of Arizona }
 against
(name of accused) }

I..... District Attorney for said County, do hereby inform the Court, that on the..... day of..... in the year..... at..... in said County, A. B. (name of accused) did (state offense) against the peace and dignity of the Territory of Arizona and contrary to the form of the statutes in such case made and provided.

Dated.....

.....
District Attorney.

SEC. 12. The information must be direct and certain as it regards: First, the party charged; second, the offense charged; third, the particular circumstances of the offense charged, when they are necessary to constitute a complete offense.

SEC. 13. The information shall be sufficient if it can be understood therefrom:

First. That it is presented by the person authorized by law to present the same.

Second. That it is entitled in a Court having authority to receive it, though the name of the Court be not actually set forth.

Third. That the defendant is named, or if his name cannot be discovered, that he be described by a fictitious name with a statement that he has refused to discover his real name.

Fourth. That the offense was committed at some place within the jurisdiction of the Court, except where is provided by Section 66 to 74, both inclusive, Chapter 11 of the Compiled Laws of Arizona, entitled "Of Criminal Proceedings," and is in the case of treason, the act, though done without the local jurisdiction of the county, is triable therein.

Fifth. That the offense was committed at some time prior to the time of filing the information.

Sixth. That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

SEC. 14. All Acts or parts of Acts in conflict with this Act shall be so construed as not to impair the force and effect of any of the provisions of this Act, and it is hereby declared to be the intent of the Legislature of this Act to provide for the prosecution of crimes and offenses upon or by information, as therein expressed, as a cumulative and non-exclusive remedy, and that hereafter prosecutions for such crimes and offenses may be either upon indictment, as heretofore, or upon information as provided in this Act, according to the circumstances of each particular case, but in the event of a Grand Jury shall have been ordered, summoned and be in attendance at any term of the District Courts, prosecutions shall be made during such term only upon indictment or presentment by such Grand Jury, unless otherwise expressly ordered by such Court.

SEC. 15. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 84.

AN ACT

To aid and encourage in the construction of certain railroads in the County of Gila.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Whenever any person, corporation or association duly incorporated under the laws of the Territory of Arizona for the purpose of constructing the railroad in this Act set out and described, shall construct, complete and operate by the most feasible and direct route, a railroad of the standard guage, one terminus of which shall be a junction with the Atlantic and Pacific Railroad at or near Flagstaff in the County of Yavapai, Territory of Arizona, and the other terminus of which shall be within the town or village of Globe, in the County of Gila, Territory of Arizona, such person, corporation or association of persons so constructing such railroad shall be entitled and are hereby directed to receive the sum of one hundred and fifty thousand (\$150,000) dollars in bonds of the County of Gila, Territory of Arizona, subject to the conditions of this Act and issued in the manner and form as hereinafter provided.

SEC. 2. The Board of Supervisors of Gila County when in their judgment it is advisable, shall call a special election and submit to the qualified voters of said county, whether a tax shall be levied as provided in Section 1 of this Act. Such election shall be called by posting notices in three of the most public places in each voting precinct in the county, or by publishing in a newspaper within said county at least twenty days before such election. Said notices shall contain the time and places of holding such election, the amount proposed to be given, and the purpose for which it is intended. Said election shall be conducted in all respects as the general elections of the Territory are conducted; *provided*, that no person shall be disqualified from voting at such election by reason of non-compliance with the registration Act.

SEC. 3. At such election the ballots [shall] contain the words, bonds "yes" or bonds "no."

SEC. 4. If a majority of the legal votes of said county at such election shall be cast in favor of issuing said bonds, it shall be the duty of said Board of Supervisors, and they are hereby directed to meet as soon as practicable thereafter in the county seat of said county and to prepare or caused to be prepared one hundred and fifty (150) bonds in the form and manner as follows:

No. \$1,000.

Gila County Railroad Bonds.

For value received, twenty years after date the County of Gila, of the Territory of Arizona, promises to pay the (naming the person, persons or corporation) or bearer, one thousand dollars with interest thereon at the rate of seven per cent per annum from date, according to the coupons hereunto attached; said interest to be paid annually on the date hereof, at the Treasury of said County of Gila, and to pay both interest and principal in lawful money of the United States.

Dated at Globe, A. T., this.....day of....., A. D. 18....

{ SEAL OF
GILA COUNTY. }

.....
Chairman of Board of Supervisors.

.....
Treasurer of Gila County.

And the coupons attached in such a manner that they may be detached without mutilating the bond, and one coupon for each years interest which shall become due on said bond, said coupon shall be numbered with the number of the bond and shall be in form as follows: .

No. \$70.

For value received on the.....day of....., 18...., the County of Gila, Territory of Arizona, promises to pay at the office of the Treasurer of said county, seventy dollars, being the interest on Gila County Railroad Bond No....., to date.

{ SEAL OF
GILA COUNTY. }

.....
Chairman of Board of Supervisors.

.....
Treasurer of Gila County.

And the Chairman of the Board of Supervisors shall, in his official capacity, sign each of said bonds and each coupon thereof, and the Clerk of said Board of Supervisors shall affix to each bond and coupon the official seal of the Board of Supervisors, and the bonds when so prepared, shall be delivered to the Treasurer of said County of Gila to be, by him, disposed of as hereinafter provided.

SEC. 5. Whenever ten miles of said railroad shall be built within the boundary line of Gila County, and whenever each succeeding ten miles of said road shall be fully constructed and completed within said county, on the route named in Section 1 of this Act, the persons, corporation or association of persons shall notify the Railroad Commissioner of Gila County, provided for in Section 7 of this Act, to examine and accept such ten miles of road, who shall make his report in writing to the Board of Supervisors of said Gila County, and said Board shall and is hereby directed on receipt of the same, if the report or reports shall state that said first ten miles or succeeding ten miles of road is graded, laid with ties and rails and ready to receive and carry freight and passengers, to meet in their office at the county seat of said Gila County and by an order entered upon the minutes of said Board direct the Treasurer of said Gila County to issue to the Directors of said road two thousand dollars (\$2,000) of the aforesaid bonds for each and every ten miles of road so completed, and upon completion of said road within the town of Globe such persons, corporation or association of persons shall notify the Railroad Commissioner of Gila County of the fact of such completion. Such Commissioner shall thereupon proceed to inspect the said road, and if said road is a completed first-class railroad, graded, laid with ties and steel rails and with rolling stock propelled by steam, he shall report such facts in writing to said Board of Supervisors, who upon receiving such report shall, and they are hereby directed to meet at their office aforesaid and direct the Treasurer of said county, by an order entered upon the minutes, to issue to said person, corporation or association of persons the remainder of said bonds, in the manner as provided in this Act; *provided*, the whole amount of bonds issued shall not exceed the sum of one hundred and fifty thousand (\$150,000) dollars, as provided in Section 1 of this Act.

SEC. 6. Whenever the Board of Supervisors shall make the order to the Treasurer, as required by Section 5 of this Act, it shall be the duty of said Treasurer and he is hereby

required to sign a sufficient number of said bonds and coupons and deliver the same to the persons, corporation or association of persons as provided for in the order made and duly signed by the Chairman of the Board of Supervisors; *provided*, that the aforesaid persons, corporation or association of persons shall receive and receipt for the same at the office of the said Treasurer.

SEC. 7. The Board of Supervisors of Gila County is hereby required to appoint some suitable person to be designated the Railroad Commissioner of Gila County, whose duty it shall be to report on said road when requested to do so by the person, corporation or association of persons constructing such railroad as mentioned in Section 5 of this Act. Said Commissioner shall receive out of the General Fund of the County of Gila a reasonable compensation for his services, which shall be audited and paid as other county expenses are audited and paid.

SEC. 8. The Board of Supervisors of Gila County shall audit and pay from the General Fund of said county a reasonable amount as expenses for the issue of the aforesaid bonds.

SEC. 9. It shall be the duty of the Board of Supervisors of Gila County, and they are hereby required to levy annually after the first issue of said bonds and at the time and in the manner provided by the General Revenue of the Territory for levying a tax therein, such additional tax as may be necessary to raise a sum of money sufficient to pay the interest on any outstanding bonds issued under the provisions of this Act, and in five years from the date of the first issue of said bonds and every year thereafter the said Board of Supervisors shall in the manner and at the time provided by the General Revenue Laws of the Territory for levying taxes therein, levy such further and additional tax as may be required to pay and redeem ten thousand (\$10,000) dollars of the bonds outstanding and issued under the provisions of this Act until the whole of said bonds shall have been paid and redeemed. The taxes so levied and collected shall by the Treasurer of said Gila County be placed in a fund to be denominated "Railroad Redemption Fund," and the funds so placed in said Fund are hereby appropriated, and they shall be used for the purposes named in this Act and for no other purpose whatever.

SEC. 10. The said Treasurer shall, out of said "Railroad Redemption Fund," (and if there be not sufficient money in

said fund then the amount of such deficiency shall be paid out of the General Fund of said county), pay annually on the date of each bond the interest which shall have accrued upon the said bond. And upon the payment by the said Treasurer of any interest upon any of said bonds, he shall require the coupons representing the interest paid to be detached and surrendered to him, and he shall endorse across the face thereof the date when he received the same, and the amount paid therefor, and the same shall be retained by him in his office and be a voucher for the money paid out.

SEC. 11. Whenever, after the expiration of time, as provided in Section 9 of this Act for the redemption of the bonds aforesaid, there shall have accumulated in said "Railroad Redemption Fund," the sum of one thousand dollars in excess of the interest due and payable in any one year upon all outstanding bonds issued by virtue of this Act, the County Treasurer of said county shall advertise for the surrender of the bonds then outstanding, by publishing a notice in some newspaper published in said county, for at least thirty days, and shall state in said notice the amount of bonds he is prepared to redeem, and time and place where he will receive proposals for the redemption of said bonds. The Treasurer shall, at the time and place named in said notice published as aforesaid, and in the presence of any persons who may desire to be present, open such proposals as may be received, and shall accept only such bids, as will cancel and redeem the greatest amount of said bonds for the least amount of money; *provided*, that no bond shall be redeemed at any greater rate, than that of one hundred cents on the dollar; *and, provided further*, that if no proposals be received for the redemption of said bonds, between the date of publishing said notice, and the time fixed for the opening of said proposals, it shall be the duty of the Treasurer to give at least ten days notice, by advertising in some newspaper published in the county, that he is prepared to redeem certain of said bonds which he shall designate in said notice by the number of said bonds, and date of their issuance, which said designation shall be of the bonds bearing the lowest numbers then unredeemed, and the interest shall cease on said bonds so advertised from and after the expiration of ten days from the first publication of said notice. All bonds then paid by the Treasurer shall be marked by him, across the face thereof, with the amount paid therefor, and the date of such payment, and such cancelled bonds which shall have the unpaid and not due interest coupons attached

eto, shall be retained by him and be his voucher for the
 ey so paid out.

EC. 12. The bonds provided for in this Act, shall apply
 e first railroad built within the County of Gila, on the
 e named in Section 1 of this Act, and no other.

EC. 13. This Act shall take effect and be in force from
 after its passage.

pproved March 12, 1885.

85. AN ACT

uthorizing the appointment of

reas, by message dated March 5, 1885, His Excellency, the
 Governor has advised the Legislative Assembly of the for-
 mation of a Preliminary Executive Committee of the
 National Bi-metallic Association, organized for the pur-
 pose of securing, if possible, the continued coinage of sil-
 ver by the United States, and has recommended that
 said Legislative Assembly name some advocate of silver
 coinage to act with him upon said Preliminary Executive
 Committee, perfect some measure whereby the Territory
 of Arizona shall have suitable authorized delegates in the
 National Silver Convention to meet in November next,
 and provide for the proper proportion of expenses for the
 Territory in the matters referred to, therefore

*t enacted by the Legislative Assembly of the Territory of
 Arizona :*

SECTION 1. That John R. Farrell of the County of Co-
 e is hereby appointed and authorized to act as the second
 mber for Arizona of the Preliminary Executive Committee
 he National Bi-metallic Association.

EC. 2. That as soon as possible after the determination
 he said Preliminary Executive Committee of the number
 delegates to which Arizona will be entitled in the said Na-
 al Silver Convention, the members of said committee from

Arizona will advise the Governor of the said number of delegates, and the Governor will thereupon, by proclamation, call a convention of the citizens of Arizona to meet at some central place in the Territory on such date as he may deem fit for the purpose of electing delegates from Arizona to said National Silver Convention, *provided*, that the members of the Preliminary Executive Committee be the delegates at large to said National Convention. The said Territorial Convention will consist of thirty-six members, apportioned among the several counties upon the basis of present representation in the Legislative Assembly.

SEC. 3. There is hereby appropriated out of the General Fund of the Territory the sum of one thousand dollars, or so much thereof as may be necessary for the purpose of defraying the necessary expenses of said Preliminary Executive Committees and Territorial and National Conventions as may be proper for Arizona to pay, and the Auditor of the Territory is hereby directed to draw his warrants upon the General Fund in such amounts as may be necessary and fit upon the presentation of bills to him properly certified to by the Governor of the Territory as being correct and just; *provided*, the total amount thereof shall in no event exceed the said amount of one thousand dollars.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 86.

AN ACT

For the protection of children and to prevent and punish certain wrongs to them.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. No minor, under the age of sixteen years, shall be admitted at any time to, or permitted to remain in any saloon or place of entertainment where any spirituous liquors or wines, or intoxicating or malt liquors are sold, exchanged or given away, unless accompanied by parent or guardian. Any proprietor, bartender, manager or other person in charge of

such establishment who shall admit such minor to or permit him or her to remain in any such place, unless accompanied by parent or guardian, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars nor more than two hundred dollars, or by imprisonment not less than five nor more than fifty days, or by both fine and imprisonment.

SEC. 2. Every person who shall directly or indirectly, knowingly sell, barter, exchange or give away any intoxicating liquor to any minor under the age of sixteen years without the consent of his or her guardian or parent, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment not less than twenty nor more than ninety days, or by both imprisonment and fine.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 87.

AN ACT

Supplemental to Chapter XXIV of the Compiled Laws of Arizona, entitled "Of General and Special Elections."

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That no polygamist or bigamist or any person practicing polygamy or bigamy, or what is known as "celestial" or "plural marriage," shall be entitled to vote at any election, general or special, in this Territory, or be eligible for election or appointment to or be entitled to have or hold any office or place of public trust, honor or emolument whatever, or have any of the privileges of an elector in the Territory of Arizona.

SEC. 2. In addition to the grounds of challenge now allowed by law, any person offering to vote may be orally challenged by any elector of the county, upon the ground that he is a member of an order, sect or organization which teaches, advises or encourages the practices of bigamy or polygamy, or any crime as a duty or privilege resulting or arising from the faith or practice of such order, sect or organization, or which teaches, counsels, encourages or advises any person or persons to commit the crimes of bigamy or polygamy, or any other crime, as a religious duty, or that he is a bigamist or a polygamist, or that he cohabits with more than one woman as a wife at the same time, or that he publicly or privately teaches, counsels, encourages or advises any person or persons to enter into, sustain or maintain bigamous or polygamous relations, or the relation known as "plural" or "celestial marriage."

SEC. 3. If such person shall still insist that he is entitled to vote and the challenge shall not be withdrawn, the Board of Judges of Election shall administer the following oath or affirmation to the voter: "You do solemnly swear (or affirm) that you will support the Constitution of the United States and the laws of this Territory; that you will true faith and allegiance bear to the same, and defend them against all enemies whatsoever; that you are a citizen of the United States; that you are of the age of twenty-one years, according to the best of your information and belief; that you have resided in this Territory six months next preceding this election, and in this county (or precinct as the case may be) ten days, and that you have not before voted this day; that you are not a member of any order, sect or organization which teaches, advises or encourages the practices of bigamy or polygamy, or any other crime, as a duty or privilege resulting or arising from the faith or practice of such order, sect or organization, or which teaches, councils, encourages or advises any person or persons to commit the crimes of bigamy or polygamy, or any other crime, as a religious duty; that you are not a bigamist or polygamist, and that you do not cohabit with more than one woman as a wife; that you do not either publicly or privately teach, counsel, encourage or advise any person or persons to enter into, sustain or maintain bigamous or polygamous relations or the relation known as 'plural' or 'celestial marriage'; that you regard the Constitution of the United States and the laws thereof, and of this Territory, as interpreted by the Courts as the supreme law of the land, and that you will support and uphold the same, the teachings of any order, sect or

organization to the contrary notwithstanding, so help you God."

SEC. 4. If the person thus-challenged shall take the oath as tendered to him by the Board of Judges, he shall be admitted to vote, and it shall not be lawful after he has taken such oath or affirmation for said Board to examine any witnesses touching his want of qualifications, but if he shall refuse to take the oath or affirmation so tendered to him, his vote shall be rejected.

SEC. 5. This Act shall take effect and be in force from and after its passage.

No. 88.

AN ACT

Amendatory to an Act entitled an Act to create the County of Gila out of the Counties of Pinal and Maricopa.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 1 of Act No. 17, entitled "An Act to create the County of Gila out of the Counties of Pinal and Maricopa," approved February 8th, 1881, be, and the same is hereby amended, by striking out the words: "thence along the channel of the Gila River to the eastern boundary of Pinal; thence north on said boundary line to the southern boundary of Maricopa." And insert in lieu thereof, the words: "thence along the channel of the Gila River to the mouth of San Carlos River; thence northeast along the channel of San Carlos River to the southern boundary of Maricopa."

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 89.

AN ACT

To encourage the destruction of wild animals.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The sum of fifty cents shall be paid as hereafter provided, for each and every Lynx, Coyote, Wildcat, or small Wolf. The sum of two dollars and fifty cents for each and every large Loafer, or Timber Wolf. The sum of ten dollars for each and every Panther or Bear. The sum of twenty-five dollars for each and every Mountain Lion killed within the boundaries of the respective counties of this Territory.

SEC. 2. The person or persons killing those animals shall be required to produce the head or scalp thereof with ears attached, before any Justice of the Peace in and for any county as aforesaid.

SEC. 3. It shall be the duty of such Justice to examine person or persons on oath, on affirmation touching the time when and the place where such animals were taken and killed, and if the taking and killing shall be found to be within the boundaries of the county in which such Justice shall have jurisdiction, it shall be the duty of such Justice to give the person or persons a certificate of the facts to the Board of Supervisors of the proper county, together with the scalp or scalps, with ears attached, taken from the head or heads aforesaid; and the said Board of Supervisors upon the receipt thereof, shall, immediately have the scalp or scalps destroyed, and thereupon draw their warrant on the County Treasurer.

SEC. 4. It shall be the duty of such Treasurer, and he is hereby directed to pay the amount of the said warrant.

SEC. 5. If any person shall, for the purpose of enhancing the value of a head or heads, breed or rear any of the aforesaid animals until full grown, before he presents the head or heads of any such mentioned animals, for the purpose of receiving the prices awarded by this Act, such person on conviction before a Court of proper jurisdiction, shall be liable to a fine of not less than fifty (\$50) dollars nor more than two hundred (\$200) dollars at the discretion of the Court.

SEC. 6. All fines when they shall have been recovered, shall be paid to the Treasurer of the proper county, to be applied as other county funds are applied.

SEC. 7. This Act shall not apply to the County of Pinal and Yuma.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 90.

AN ACT

To amend Sections 1 and 3 of an Act entitled "An Act to Restrict Gambling," approved February 23, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That Section 1 of an Act entitled "An Act to Restrict Gambling," approved February 23, 1881, be and the same is hereby amended so as to read as follows :

§ 1. There shall be assessed and collected, in the manner prescribed by law as in case of other license, a tax of twenty-five (\$25) dollars per month, to be collected monthly, on each gaming table or apparatus of any kind whatever, such as monte, faro, pass-faro, pass-monte, rondeau, roulette, twenty-one, dice, red and black, rouge et noir, lansquernette, tan, stud-horse poker, or any other banking or percentage game of whatever name, which license shall be issued in the manner provided for by law in the case of other licenses.

Section 3 of said Act is hereby amended to read as follows :

§ 3. If any unlicensed person shall keep a gaming table or apparatus of any kind whatever, such as faro, monte, pass-faro, pass-monte, rondeau, roulette, twenty-one, dice, red and black or rouge et noir, lansquernette, tan, stud-horse poker, or any other banking or percentage game of whatever name, or any device or substitute for the same, on conviction thereof he shall be fined in any sum not less than fifty dollars nor more than three hundred dollars, with costs of prosecution, or by imprisonment until such fine be paid, not exceeding one day's imprisonment for each two dollars of said fine.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 91.

AN ACT

To transfer the County of Cochise from the Second to the First Judicial District, and the County of Pinal from the First to the Second Judicial District of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. The County of Cochise is hereby segregated and detached from the Second Judicial District of the Territory of Arizona, and is hereby attached to and made a part of the First Judicial District thereof, and the Judge of the said First Judicial District is hereby directed and required to hold Court in the said County of Cochise, according to the provisions of law.

SEC. 2. The County of Pinal is hereby segregated and detached from the First Judicial District of the Territory of Arizona, and is hereby attached to and made a part of the Second Judicial District thereof, and the Judge of said Second Judicial District is hereby directed and required to hold Court in the said County of Pinal, according to the provisions of law.

SEC. 3. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 92.

AN ACT

Entitled "Insolvent Act of 1885."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

ARTICLE I.—GENERAL SUBJECT OF THE ACT.

SECTION 1. Every insolvent debtor may, upon compliance with the provisions of this Act, be discharged from his debts and liabilities. This Act shall be known and may be cited as the Insolvent Act of Eighteen Hundred and Eighty-five.

ARTICLE II.

SEC. 2. An insolvent debtor, owing debts exceeding in amount the sum of three hundred dollars, may apply by petition to the District Court of the County in which he has resided for six months next preceding the filing of his petition, to be discharged from his debts and liabilities. In his petition he shall set forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects not exempt by law from execution for the benefit of his creditors, and his desire to obtain a discharge from his debts and liabilities, and shall annex thereto a schedule and inventory, and valuation, in compliance with the provisions of this Act. The filing of such petition shall be an Act of insolvency, and thereupon such petitioner shall be adjudged an insolvent debtor.

SEC. 3. Said schedule must contain a full and true statement of all his debts and liabilities, exhibiting to the best of his knowledge and belief to whom said debts or liabilities are due, the place of residence of his creditors, and the sum due to each, the nature of the indebtedness or demand, whether founded on written security, obligation, contract or otherwise, the true cause and consideration thereof, and the time and place when and where said indebtedness accrued, and a statement of any existing pledge, lien, mortgage, judgment, or other security for the payment of the same.

SEC. 4. Said inventory must contain an accurate description of all the estate both real and personal of the petitioner including his homestead, if any, and all property exempt by law from execution, and where the same is situated and all incumbrances thereon.

SEC. 5. The petition, schedule and inventory, must be verified by the affidavit of the petitioner annexed thereto, and shall be in form substantially as follows: I, ———, do solemnly swear that the schedule and inventory now delivered by me contains a full, perfect and true discovery of all the estate, real, personal and mixed, goods and effects to me in any way belonging, all such debts as are to me owing, or to any person or persons in trust for me, and all securities and contracts, whereby any money may hereafter become payable, or any benefit or advantage accrue to me or to my use or to any other person or persons in trust for me, that I have no lands, money, stock, or estate, reversion or expectancy, besides

that set forth in my schedule and inventory ; that I have, in no instance, created or acknowledged a debt for a greater sum than I honestly and truly owe ; that I have not, directly or indirectly, sold, or otherwise disposed of, or concealed any part of my property, effects, or contracts, that I have not in any way compounded with my creditors whereby to secure the same, or to receive, or to expect any profit or advantage therefrom, or to defraud or deceive any creditor to whom I am indebted in any manner, so help me God.

SEC. 6. Upon receiving and filing such petition, schedule and inventory, the Court or Judge, shall make an order declaring the petitioner insolvent, and directing the Sheriff of the county to take possession of all the estate, real and personal, of the debtor, except such as may be by law exempt from execution, and of all his deeds, vouchers; books of account, and papers, and to keep the same safely until the appointment of an assignee. Said order shall further forbid the the payment of any debts and the delivery of any property belonging to such debtor, to him, or for his use, and the transfer of any property by him ; and shall further appoint a time and place for a meeting of the creditors, to prove their debts and choose one or more assignees of the estate, which shall not be less than thirty days after the making of said order, and shall designate a newspaper or newspapers of general circulation in which publication thereof shall be made. Upon the granting of said order, all proceedings against the said insolvent shall be stayed.

SEC. 7. A copy of said order shall immediately be published by the Clerk of said Court, in the newspaper or newspapers designated therein, as often as the newspaper is printed before the meeting of creditors, and be served by the Clerk forthwith by United States mail, postage prepaid, or personally, on all creditors named in the schedule. The order of adjudication shall direct the publication thereof in a newspaper published in the county, or city and county, in which the petition is filed, if there be one, and if there be none, in a newspaper published nearest to such county, or city and county ; *provided*, that no order of adjudication upon creditors' petition shall be entered, unless there first be deposited with the Clerk, in addition to the usual cost of commencing said proceedings, a sum of money sufficient to defray the cost of the publication ordered by the Court, and ten cents for each copy, to be mailed to or served on the creditors, which latter sum is hereby constituted the legal fee of the Clerk for the mailing or service required in this Section.

ARTICLE III.—INVOLUNTARY INSOLVENCY.

SEC. 8. An adjudication of insolvency may be made on the petition of three or more creditors, residents of this Territory, whose debts or demands accrued in this Territory, and amount in the aggregate to not less than five hundred dollars; *provided*, that said creditors, or either of them, have not become creditors by assignment within thirty days prior to the filing of said petition. Such petition must be filed in the District Court of the county in which the debtor resides or has his place of business, and must be verified by at least three of the petitioners, setting forth that such person is about to depart from the Territory with intent to defraud his creditors; or, being absent from the Territory with such intent, remains absent; or conceals himself to avoid the service of legal process; or conceals or is removing any of his property, to avoid its being attached or taken on legal process; or being insolvent, has suffered his property to remain under attachment or legal process for four days; or has confessed or offered to allow judgment in favor of any creditors; or willfully suffered judgment to be taken against him by default; or has suffered or procured his property to be taken on legal process, with intent to give a preference to one or more of his creditors; or has made any assignment, gift, sale, conveyance or transfer of his estate, property, rights or credits, with intent to delay, defraud or hinder his creditors; or, in contemplation of insolvency, has made any payment, gift, grant, sale, conveyance or transfer of his estate, property, rights or credits; or has been arrested and held in custody by virtue of any civil process of court founded on any debt or demand, and such process remains in force and not discharged by payment, or otherwise, for a period of four days; or, being a merchant or tradesman, has stopped or suspended, and not resumed payment within a period of forty days after maturity of any written acknowledgement of indebtedness, unless the party holding such acknowledgement has, in writing, waived the right to proceed under this subdivision; or, being a bank or banker, agent, broker, factor or commission merchant, has failed for ten days to pay any moneys deposited with or received by him in a fiduciary capacity, upon demand of payment, excepting savings and loan banks, or associations who loan the money of their stockholders and depositors on real estate and provide in their by-laws for the re-payment of such deposits. The petitioners may, from time to time, amend and correct the petition so that the same shall conform to the facts, by leave of the Court or Judge before which the proceedings are pending, but

nothing in this Section shall be construed to invalidate any loan of actual value or the security therefor, made in good faith upon a security taken in good faith on the occasion of the making of such loan. The said petition shall be accompanied by a bond with two sureties in the penal sum of at least five hundred dollars, conditioned that if the debtor should not be declared an insolvent, the petitioners will pay all costs and damages, including a reasonable attorney's fee, that the debtor may sustain by reason of the filing of said petition. The Court or Judge may, upon motion, direct the filing of an additional bond with different sureties when deemed necessary.

SEC. 9. Upon the filing of such creditors' petition the Court or Judge shall issue an order requiring such debtor to show cause, at a time and place to be fixed by said Court or Judge, why he should not be adjudged an insolvent debtor, and at the same time, or thereafter, upon good cause shown therefor, said Court or Judge may make an order forbidding the payment of any debts and the delivery of any property belonging to such debtor, to him or for his use, or the transfer of any property by him not exempt from execution.

SEC. 10. A copy of said petition, with a copy of the order to show cause, shall be served on the debtor, in the same manner as is provided by law for the service of summons in civil actions, but such service shall be made at least ten days before the time fixed for the hearing; *provided*, that if, for any reason, the service is not made, the order may be renewed, and the time and place of hearing changed, or by a supplemental order by the Court or Judge, or if such debtor cannot be found or his place of abode ascertained, service shall be made by publication as is now provided by law for service of summons by publication in civil cases before the District Court.

SEC. 11. At the time fixed for the hearing of said order to show cause, or such other time as it may be adjourned to, the debtor may demur to the petition for the same causes as is provided for demurrer in other cases in the District Court. If the demurrer be overruled the debtor shall have ten days thereafter in which to answer the petition. If the debtor answer the petition such answer shall contain a specific denial of the material allegations of the petition controverted by him, and shall be verified in the same manner as pleadings in civil actions, and the issues raised thereon may be tried with or without a jury, according to the practice provided by law for the trial of civil actions.

SEC. 12. If the respondent shall make default, or if after a trial the issues are found in favor of the petitioners, the Court shall make an order adjudging that said respondent is and was at the time of filing the petition an insolvent debtor, and shall require said debtor, within such time as the Court may designate, to file in Court the schedule and inventory provided for in Sections 3 and 4 of this Act; and thereupon all proceedings shall be had in said matter in the same manner as if said debtor had voluntarily filed his petition.

SEC. 13. If upon such hearing or trial the issues are found in favor of the respondent the proceedings shall be dismissed and the respondents shall recover costs from the petitioning creditors in the same manner as on final judgment in civil actions.

SEC. 14. If the debtor has failed to appear after service, personally or by publication, or is absent or cannot be found, the schedule and inventory may be prepared by the sheriff, or by the assignee from the best information he can obtain.

ARTICLE IV.—ASSIGNEES.

SEC. 15. At a meeting of the creditors in open Court those having proven their claims by filing a verified statement showing the amount, nature and security, if any, shall proceed to the election of one assignee. The assignee shall be a resident of the county where the insolvent resides or where he has carried on his business. In electing an assignee the opinion of the majority in amount of claims shall prevail. The Clerk of the Court shall keep a minute of the deliberations of said creditors and of the election and appointment of an assignee, and enter the same upon the records of the Court. The assignee shall file within five days, unless the time be extended by the Court, with the Clerk a bond in an amount to be fixed by the Court, to the Territory of Arizona, with two or more sufficient sureties, approved by the Court and conditioned for the faithful performance of the duties devolving upon him. The bond shall not be void upon the first recovery, but may be sued upon from time to time by any creditor aggrieved, in his own name until the whole penalty is exhausted. The sureties on such bond may be required to justify upon the application of any party interested in the same manner as bail upon arrest in civil cases.

SEC. 16. If, on the day appointed for the meeting, the creditors do not attend or refuse to elect an assignee, or if after

election the assignee shall fail to qualify within the proper time, it shall be lawful for the Court, before which the said meeting may take place, to appoint an assignee and fix the amount of his bond.

SEC. 17. As soon as an assignee is appointed the Clerk of the Court shall, by an instrument under his hand and seal of the Court, assign and convey to the assignee all the estate, real and personal, of the debtor not exempt by law from execution with all his deeds, books and papers relating thereto, and such assignment shall relate back to the commencement of the proceedings in insolvency, and by operation of law shall vest the title of all such property and estate both real and personal in the assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any attachment made within one month next preceding the commencement of the insolvency proceedings. Such assignment shall operate to vest in the assignee all the estate of the insolvent debtor not exempt by law from execution.

SEC. 18. The assignee shall have the right to recover all the estate, debts and effects of said insolvent not exempt by law from execution. If, at the time of the commencement of proceedings in insolvency an action is pending in the name of the debtor, for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall be allowed and admitted to prosecute the action, in like manner and with like effect as if it had been originally commenced by him. In suits prosecuted by the assignee, a certified copy of the assignment made to him shall be conclusive evidence of his authority to sue.

SEC. 19. The assignee shall, within one month after the making of the assignment to him, cause the same to be recorded in every county, or city and county, within this Territory where any lands owned by the debtor are situated, and the record of such assignment, or a duly certified copy thereof, shall be conclusive evidence thereof in all courts.

SEC. 20. Any assignee may at any time, by writing filed in Court, resign his appointment, having first settled his accounts, and delivered up all the estate to such successor as the Court shall appoint; *provided*, that if, in the discretion of the Court, the circumstances of the case require it, upon good cause being shown, the Court may, at any time before such settlement of

account and delivery of the estate shall have been completed, revoke the appointment of such assignee and appoint another in his stead. The liability of the outgoing assignee, or of the sureties on his bond, shall not be in any manner discharged, released or affected by such appointment of another in his stead.

SEC. 21. The said assignee shall have power :

First. To sue in his own name and recover all the estate, debts, and things in action, belonging or due to such debtor except property exempt by law from execution, and no set-off or counter-claim shall be allowed in any such suit, for any debt, unless it was owing to such creditor by such debtor at the time of the adjudication of insolvency.

Second. To take into his possession all the estate of such debtor, except property exempt by law from execution, whether attached or delivered to him, or afterward discovered, and all books, vouchers, evidence of indebtedness, and securities belonging to the same.

Third. In case of a non-resident absconding or concealed debtor, to demand and receive of every Sheriff, who shall have attached any of the property of such debtor, or who shall have in his possession any moneys arising from the sale of such property, all such property and moneys, on paying him his lawful costs and charges for attaching and keeping the same.

Fourth. From time to time to sell at public auction all the estate, real and personal, vested in him as such assignee, which shall come to his possession and as ordered by the Court.

Fifth. On such sales to execute the necessary conveyances and bills of sale.

Sixth. To redeem all valid mortgages and conditional contracts, and all valid pledges of personal property, and to satisfy any judgments which may be an incumbrance on any property sold by him, or to sell such property subject to such mortgage, contracts, pledges or judgments.

Seventh. To settle all matters and accounts between such debtor and his debtors, subject to the approval of the Court.

Eighth. Under the order of the Court appointing him, to compound with any person indebted to such debtor, and thereupon to discharge all demands against such person.

Ninth. To have and recover from any person receiving a conveyance, gift, transfer, payment, or assignment, made contrary to any provision of this Act, the property thereby transferred or assigned, or in case a redelivery of the property cannot be had, to recover the value thereof, with damages for the detention.

SEC. 22. The insolvent shall, either before or on the day appointed for the meeting of creditors, deliver to the Court all the commercial or account books he may have kept, which books shall be deposited in the Clerk's office of said Court. Said insolvent shall also deliver to the Court, at the same time, all vouchers, notes, bonds, bills, securities or other evidences of debt in any manner relating to or having any bearing upon or connection with the property surrendered by said debtor, and all such papers or securities shall be deposited in the Clerk's office of said Court, and the Clerk shall hand them over, together with the books of the insolvent, to the assignee who may be appointed.

SEC. 23. If any person before the assignment is made, having notice of the commencement of proceedings in insolvency, embezzles or disposes of any of the moneys, goods, chattels or effects of the insolvent, he is chargeable therewith and liable to an action by the assignee for double the value of the property so embezzled or disposed of, to be recovered for the benefit of the estate.

SEC. 24. The same penalties for forfeitures and proceedings by citation, examination and commitment shall apply on behalf of an assignee against persons suspected of having concealed, embezzled, conveyed away or disposed of any property of the debtor, or of having possession or knowledge of any deeds, conveyances, bonds, contracts or other writings which relate to any interest of the debtor in any real or personal estate, as provided in the case of the estates of deceased persons in Sections 117, 118 and 119 of Chapter XXIX of the Compiled Laws of the Territory of Arizona, on Probate Courts.

SEC. 25. The assignee shall as speedily as possible convert the estate, real and personal, into money. He shall keep a regular account of all moneys received by him as assignee, to

which every creditor or other person interested therein may, at reasonable times, have access. No private sale of any property of the estate of an insolvent debtor shall be valid, unless made under the order of the Court upon a petition in writing, which shall set forth the facts showing the sale to be necessary. Upon filing the petition, notice of at least ten days shall be given by publication and mailing, in the same manner as is provided in Section 7 of this Act. If it appears that a private sale is for the best interests of the estate, the Court shall order it to be made.

SEC. 26. When it appears to the satisfaction of the Court that the estate of the debtor, or any part thereof, is of a perishable nature, or is liable to deteriorate in value, or is disproportionately expensive to keep, the Court may order the same to be sold in such manner as may be deemed most expedient, under the direction of the Sheriff or assignee, as the Court may be, who shall hold the funds received in place of the property sold until the further order of the Court.

SEC. 27. Outstanding debts or other property due or belonging to the estate, which cannot be collected and received by the assignee without unreasonable or inconvenient delay or expense, may be sold and assigned in like manner as the remainder of the estate.

SEC. 28. Assignees shall be allowed all necessary expenses for the care, management and settlement of the estate, and shall collectively be entitled to charge and receive for their services commissions upon all sums of money coming to their hands and accounted for by them, as follows: For the first thousand dollars at the rate of five per cent, and for all above that sum at the rate of three per cent.

SEC. 29. At the expiration of three months from the appointment of the assignee in any case, or as much earlier as the Court may direct, the assignee shall exhibit to the Court a statement to the creditors, and file just and true accounts of all his receipts and payments, verified by his oath, and a statement of the property outstanding, specifying the cause of its outstanding; also what debts or claims are yet undetermined and stating what sum remains in his possession, and thereupon a dividend shall be made, unless for cause the Court shall otherwise order. Thereafter further accounts, statements and dividends shall be made in like manner as often as occasion requires.

SEC. 30. The Court shall at any time, upon the motion of any two or more creditors, require the assignee to file his account, and if he has funds subject to distribution he shall be required to distribute them without delay.

SEC. 31. All creditors whose debts are duly proved and allowed shall be entitled to share in the property and estate *pro rata*, without priority or preference whatever other than as provided in this Act, and in Section 32 of this Act; *provided*, that any debt proved by any person liable as bail, surety, guarantor or otherwise for the debtor, shall not be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court or otherwise held for the benefit of the party entitled thereto, as the Court may direct.

SEC. 32. The wages of the miners, mechanics, salesmen, servants, clerks or laborers employed by the insolvent, to the amount of two hundred dollars each, for services rendered within sixty days previous to the filing of the petition in insolvency, are preferred claims, and must be paid by such assignees before any other creditor or creditors of the insolvent.

SEC. 33. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors before any further dividend is made to the latter; *provided*, the failure to prove such claim shall not have resulted from his own neglect.

SEC. 34. Should the assignee refuse or neglect to render his accounts as required by Sections 30 and 31, or pay over a dividend when he shall have, in the opinion of the Court, sufficient funds for that purpose, the Court shall immediately discharge such assignee from his trust and shall have power to appoint another in his place. The assignee so discharged shall forthwith deliver over to the assignee appointed by the Court all the funds, property, books, vouchers or securities belonging to the insolvent, without charging or retaining any commission or compensation for his personal services.

SEC. 35. Preparatory to the final account and dividend the assignee shall submit his account to the Court and file the same, and shall at the time of filing accompany the same with

an affidavit that notice by mail has been given to all creditors who have proved their claims that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time specified in such notice, which time shall be not less than ten or more than thirty days from such filing. At the hearing the Court shall audit the account, and any person interested may appear and file exceptions in writing and contest the same. The Court thereupon shall settle the account and order a dividend of any portion of the estate remaining undistributed, and shall discharge the assignee, subject to compliance with the order of the Court, from all liability as assignee to any creditor of the insolvent.

ARTICLE V.—PARTNERSHIPS AND CORPORATIONS.

SEC. 36. Two or more persons who are partners in business may be adjudged insolvent, either on the petition of such partners or any one of them, or on the petition of five or more creditors of the partnership, in which case an order shall be issued in the manner provided by this Act, upon which all the joint stock and property of the partnership, except such as may be exempt by law, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as may be exempt by law, and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts; and the assignee shall be chosen by the creditors of the copartnership, and shall also keep separate accounts of the joint stock, except such as may be exempt by law, or property of the copartnership, and of the separate estate of each member thereof, and, after deducting out of the whole amount received by such assignee, the whole amount of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors; and if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock, after the payment of the joint debts, such balance shall be divided and appropriated to and among the separate estate of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any insolvency; and the sum so appropriated to the separate estate of

each partner shall be applied to the payment of his separate debts, and the certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been by or against him alone under this Act; and in all other respects the proceedings as to partners shall be conducted in the like manner, as if they had been commenced and prosecuted by or against one person alone. If such copartners reside in different counties, that Court in which the petition is first filed shall retain exclusive jurisdiction over the case. If the petition be filed by less than all the partners of a copartnership, those partners who do not join in the petition shall be ordered to show cause why they should not be adjudged to be insolvent, in the same manner as other debtors are required to show cause upon a creditor's petition, as in this Act provided.

SEC. 37. The provisions of this Act shall apply to corporations, and upon the petition of any officer of any corporation, duly authorized by the vote of the Board of Directors or Trustees, at a meeting specially called for that purpose, or by the assent in writing of a majority of the directors or trustees, as the case may be, or upon creditor's petition made and presented in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this Act, which apply to the debtor, or set forth his duties, examination, and liabilities or prescribe penalties, or relate to fraudulent conveyances, payments and assignments, apply to each and every officer of any corporation in relation to the same matters concerning the corporation. Whenever any corporation is declared insolvent, all its property and assets, except such property as may be exempt by law from execution, shall be distributed to the creditors; but no discharge shall be granted to any corporation.

ARTICLE VI.—PROOF OF DEBTS.

SEC. 38. All debts due and payable from the debtor at the time of the adjudication of insolvency and all debts then existing but not payable until a future time, a rebate of interest being made when no interest is payable by the terms of the contract, may be proved against the estate of the debtor.

SEC. 39. All demands against the debtor for or on account of any goods or any chattels wrongfully taken, converted or withheld by him, may be proved and allowed as debts to the

amount of the value of the property so withheld from the time of the conversion.

SEC. 40. If the debtor shall be bound indorser, surety, bail or guarantor, upon any bill, bond, note or other specialty or contract, or for any debt of another person, and his liability shall not have become absolute until the adjudication of insolvency, the creditor may prove the same after such liability shall have become fixed, and before the final dividend shall have been declared.

SEC. 41. In all cases of contingent debts and contingent liabilities contracted by the debtor, and not herein otherwise provided for, the creditor may make claim therefor and have his claim allowed, with the right to share in dividends if the contingency shall happen before the order of the final dividend, or he may at any time apply to the Court to have the present value of the debt or liability ascertained and liquidated, which shall be done in such manner as the Court shall order, and shall be allowed to prove for the amount so ascertained.

SEC. 42. Any person liable as bail, surety or guarantor or otherwise, for the debtor who shall have paid the debt or any part thereof in discharge of the whole, shall be entitled to prove such debt, or to stand in the place of the creditor, if he shall have proved the same, although such payments shall have been made after the proceedings in insolvency were commenced; and any person so liable for the debtor, and who has not paid the whole of said debt but is still liable for the same or any part thereof, may if the creditors shall fail or omit to prove such debt, prove the same in the name of the creditor.

SEC. 43. Where the debtor is liable to pay rent, or other debts falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the insolvency, as if the same became due from day to day, and not at such fixed and stated periods.

SEC. 44. In all cases of mutual debts and mutual credits between the parties the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed and paid. But no set-off or counter-claim shall be allowed of a claim in its nature not provable against the estate; *provided*, that no set-off or counter-claim shall be allowed in favor of any debtor to the insolvent of a claim purchased by or transferred to him after the filing of the petition by or against him, for the purpose of making such set-off or counter-claim.

SEC. 45. When a creditor has a mortgage, or pledge of real or personal property of the debtor, or a lien thereon, for securing the payment of a debt owing to him from the debtor, he shall be admitted as a creditor only for the balance of the debt, after deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the Court shall direct; or the creditor may release or convey his claim to the assignee, upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as security, the assignee may release to the creditor the debtor's right of redemption thereon on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon, and in either case the assignee and creditor respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not sold or released, and delivered up, the creditor shall not be allowed to prove any part of his debt.

SEC. 46. No creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the debtor, but shall be deemed to have waived all right of action and suit against him, and all proceedings already commenced, or unsatisfied judgments obtained thereon, shall be deemed to be discharged and surrendered thereby; *provided*, that no valid lien existing in good faith thereunder shall be thereby affected; *and, further provided*, that a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the debtor where a discharge has been refused, or the proceedings have determined without a discharge. And no creditor whose debt is provable under this Act shall be allowed, after the commencement of proceedings in insolvency, to prosecute to final judgment any action therefor against the debtor until the question of the debtor's discharge shall have been determined, and any such suit or proceeding shall, upon the application of the debtor, or any creditor, or of the assignee, be stayed to await the determination of the Court in insolvency on the question of discharge; *provided*, there be no unreasonable delay on the part of the debtor or of the petitioning creditors, as the case may be, in prosecuting the case to its conclusion; *and, provided, also*, that if the amount due the creditor is in dispute, the suit, by leave of the Court in insolvency, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proven in insolvency, but execution shall be stayed as

aforesaid ; *provided further*, that where a valid lien or attachment has been acquired or secured in any such action, and an undertaking been offered and accepted in lieu of such lien or attachment, the case may be prosecuted to final judgment for the purpose of fixing the liability of the sureties upon such undertaking ; but execution against the insolvent upon such judgment shall be stayed.

SEC. 47. Any person who shall have accepted any preference having reasonable cause to believe that the same was made or given by the debtor contrary to any provision of this Act shall not prove the debt or claim on account of which the preference was made or given, nor shall he receive any dividend thereon until he shall first have surrendered to the assignee all property, money, benefit or advantage received by him under such preference.

SEC. 48. The Court may upon the application of the assignee, or of any creditor of the debtor, or without any application, before or after adjudication in insolvency, examine upon oath the debtor in relation to his property and his estate, and any person tendering or making proof of claims, and may subpoena witnesses to give evidence relating to such matters. All examinations of witnesses shall be had and depositions shall be taken in accordance with and in the same manner as is provided in Chapter XLVIII, Compiled Laws of Arizona Territory.

ARTICLE VIII.—DISCHARGE.

SEC. 49. At any time after the expiration of three months from the adjudication of insolvency, the debtor may apply to the Court for a discharge from his debts, and the Court shall thereupon order notice to be given to all creditors who have proved their debts to appear on a day appointed for that purpose and show cause why a discharge should not be granted to the debtor, said notice shall be given by mail and by publication at least once a week for four weeks in a newspaper published in the county, or if there be none, in a newspaper published nearest such county ; *provided*, that if no debts have been proven such notice shall not be required.

SEC. 50. No discharge shall be granted, or if granted shall be valid, if the debtor shall have sworn falsely in his affidavit annexed to his petition, schedule or inventory, or upon any examination in the course of the proceedings in insolvency, in relation to any material fact concerning his estate or his debts,

or to any other material fact; or if he has concealed any part of his estate or effects, or any books or writings relating thereto; or if he has been guilty of fraud or willful neglect in the care, custody or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this Act; or if he has caused or permitted any loss or destruction thereof; or if, within one month before the commencement of such proceedings, he has procured his lands, goods, money or chattels to be attached or seized on execution; or if he has destroyed, mutilated, altered or falsified any of his books, documents, papers, writings or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document with intent to defraud his creditors; or if he has given any fraudulent preference contrary to the provisions of this Act, or made any fraudulent payment, gift, transfer, conveyance or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate, or if, having knowledge that any person has proven such false or fictitious debt, he has not disclosed the same to his assignee within one month after such knowledge; or, being a merchant or tradesman, he has not, subsequently to the passage of this Act, kept proper books of account; or if he, or any other person on his account or in his behalf, has influenced the action of any creditor at any stage of the proceedings by any pecuniary consideration or obligation; or if he has, in contemplation of becoming insolvent, made any pledge, payment, transfer, assignment or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed under this Act in satisfaction of his debts; or if he has been convicted of any misdemeanor under this Act, or has been guilty of fraud contrary to the true intent of this Act; or, in case of voluntary insolvency, has received the benefits of this or any other Act of insolvency or bankruptcy within three years next preceding his application for discharge. And before any discharge is granted the debtor shall take and subscribe an oath to the effect that he has not done, suffered or been privy to any act, matter or thing specified in this Act as grounds for withholding such discharge, or as invalidating such discharge if granted.

SEC. 51. Any creditor opposing the discharge of a debtor shall file specifications in writing of the grounds of his opposition, and after the debtor has filed and served his answer thereto, which pleadings shall be verified, the Court shall try the issue or issues raised with or without a jury, according to the practice provided by law in civil actions.

SEC. 52. If it shall appear to the Court that the debtor has in all things conformed to his duty under this Act, and that he is entitled under the provisions thereof to receive a discharge the Court shall grant him a discharge from all his debts, except as hereinafter provided, and shall give him a certificate thereof under the seal of the Court in substance as follows:

In the District Court of the.....Judicial District of the
Territory of Arizona, County of.....

Whereas, has been duly adjudged an insolvent under the insolvent laws of this Territory, and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the Court that said be forever discharged from all debts and claims which by said insolvent laws are made provable against his estate, and which existed on the..... day of..... on which the petition for adjudication was filed by or against him, excepting such debts if any as are by said insolvent laws excepted from the operation of a discharge in insolvency.

Given under my hand and the seal of the Court this.....
.....day of.....A. D. 18....

Attest:Clerk, [Seal.]

.....Judge.

SEC. 53. No debt created by fraud or embezzlement of the debtor, or by his defalcations as a public officer, or while acting in a fiduciary character, shall be discharged under this Act, but the debt may be proved, and the dividend thereon shall be a payment on account of said debt; and no discharge granted under this Act shall release, discharge, or affect any person liable for the same debt for or with the debtor, either as partner, joint contractor, indorser, surety, or otherwise.

SEC. 54. A discharge, duly granted under this Act, shall, with the exceptions aforesaid, release the debtor from all

claims, debts, liabilities, and demands, set forth in his schedule or which were or might have been proved against his estate in insolvency, and may be pleaded by a simple averment, that on the day of its date such discharge was granted to him, setting forth the same in full, and the same shall be a complete bar to all suits brought on any such debts, claims, liabilities or demands, and the certificate shall be *prima facie* evidence in favor of such fact, and of the regularity of such discharge; *provided, however*, that any creditor of said debtor, whose debt was proved or provable against the estate in insolvency, who shall see fit to contest the validity of such discharge on the ground that it was fraudulently obtained, and who has discovered the facts constituting the fraud subsequent to the discharge, may, at any time within two years after the date thereof, apply to the Court which granted it, to set aside and annul the same, or if the same shall have been pleaded, the effect thereof may be avoided collaterally upon any such grounds.

SEC. 55. The refusal of a discharge to the debtor shall not affect the administration and distribution of his estate under the provisions of this Act.

ARTICLE VIII.—FRAUDULENT PREFERENCES AND TRANSFERS.

SEC. 56. If any person being insolvent or in contemplation of insolvency within one month before the filing of a petition by or against him with a view to give a preference to any creditor or person having a claim against him or who is under any liability for him, procures any part of his property to be attached sequestered or seized on execution, or makes any payment, assignment or transfer, or conveyance of any part of his property either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer or conveyance, or to be benefited thereby, or by such attachment or seizure, having reasonable cause to believe that such person is insolvent, and that such attachment, seizure, payment, pledge, conveyance, transfer or assignment is made with a view to prevent his property from coming to his assignee in insolvency, or to prevent the same from being distributed ratably among his creditors, or to defeat the object of, or in any way hinder, impede or delay the operation of, or to evade any of the provisions of this Act, such transfer, payments, conveyance, pledge or assignment is void; and the assignee may recover the property or the value thereof, as assets of such insolvent debtor, and if such sale, assignment, trans-

fer or conveyance is not made in the usual and ordinary course of business of the debtor that fact shall be *prima facie* evidence of fraud.

ARTICLE IX.—PENAL CLAUSES.

SEC. 57. From and after the taking effect of this Act, if any debtor or insolvent shall, after the commencement of proceedings in insolvency, secrete or conceal any property belonging to his estate, or part with, conceal, or destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto, or remove, or cause to be removed, the same or any part thereof, with intent to prevent it from coming into possession of the assignee in insolvency, or to hinder, impede or delay his assignee in recovering or receiving the same, or make any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate, with like intent, or shall spend any part thereof in gaming; or shall with intent to defraud, willfully or fraudulently conceal from his assignee, or fraudulently and designedly omit from his schedule any property or effects whatsoever; or if in case of any person having to his knowledge or belief proven a false or fictitious debt against his estate, he shall fail to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or shall attempt to account for any of his property by fictitious losses or expenses; or shall, within three months before the commencement of proceedings in insolvency, under the false pretense of carrying on business and dealing in the ordinary course of trade, obtain on credit from any person any goods or chattels, with intent to defraud; or shall, with intent to defraud his creditors, within three months next before the commencement of proceedings in insolvency, pawn, pledge, or dispose of otherwise than by *bona fide* transactions in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for, he shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than three months or more than two years.

ARTICLE X.—MISCELLANEOUS.

SEC. 58. If any debtor shall die after the order of adjudication, the proceedings shall be continued and concluded in like manner and with like validity and effect as if he had lived.

SEC. 59. Pending proceedings by or against any person, copartnership, or corporation, no Statute of Limitations of this Territory shall run against a claim which in its nature is provable against the estate of the debtor.

SEC. 60. Any creditor, at any stage in the proceedings, may be represented by his attorney or duly authorized agent.

SEC. 61. It shall be the duty of the Court having jurisdiction of the proceedings, to exempt and set apart for the use and benefit of said insolvent such real and personal property as is by law exempt from execution.

SEC. 62. The filing of the petition by or against a debtor upon which an order of adjudication in insolvency may be made by the Court shall be deemed to be the commencement of proceedings in insolvency under this Act.

SEC. 63. Words used in this Act in the singular include the plural, and in the plural the singular, and the word "debtor" includes partnerships and corporations.

SEC. 64. A receiver may be appointed by the Court in which an insolvent proceeding is pending before the election of an assignee:

First. Upon the application of creditors where it is shown that the property, or any portion thereof, is in danger of being lost, removed or materially injured.

Second. In all other cases where receivers are appointed by the usages of courts of equity. And thereupon the appointment, oath, undertaking and powers of such receiver shall, in all respects, be regulated by the general laws applicable to receivers.

SEC. 65. All sections of the Compiled Laws of the Territory of Arizona relating to contempts are hereby made applicable to all proceedings under this Act. An appeal shall be allowed to the Supreme Court from any order adjudging any person guilty of contempt of Court.

SEC. 66. When an attachment is made and is not dissolved before the commencement of proceedings in insolvency, or is dissolved by an undertaking given by the defendant, if the claim upon which the attachment suit was commenced is proved against the estate of the debtor, the plaintiff may prove

the legal costs and disbursements of the suit, and of the keeping of the property, and the amount thereof shall be a preferred debt. In all contested matters in insolvency the Court may, in its discretion, award costs to either party, to be paid by the other, or to either or both parties, to be paid out of the estate, as justice and equity may require. In awarding costs the Court may issue execution therefor. In all involuntary cases under this Act the Court shall allow the petitioning creditors out of the estate of the debtor, if any adjudication of insolvency be made, as a preferred claim, all legal costs and disbursements incurred by them in that behalf.

SEC. 67. The Court may, upon the application of the debtor if it be a voluntary petition, or of the petitioning creditors, if a creditor's petition, dismiss the petition and discontinue the proceedings at any time before the appointment of assignee; after the appointment of assignee no dismissal shall be made without the consent of all parties interested in or affected thereby.

SEC. 68. An appeal may be taken to the Supreme Court in the following cases:

First. From an order granting or refusing an adjudication of insolvency.

Second. Allowing or rejecting a creditor's claim in whole or in part.

Third. Overruling a motion for a new trial.

Fourth. Settling an account of an assignee.

Fifth. Against or in favor of setting apart homestead or other property claimed as exempt from execution.

Sixth. Granting or refusing a discharge to the debtor.

The notice, undertaking and procedure on appeal shall conform to the general laws of this Territory regulating appeals in civil cases, except that when the assignee has given an official undertaking and appeal from a judgment or order in insolvency, his official undertaking stands in the place of an undertaking on appeals, and the sureties therein are liable on such undertaking.

SEC. 69. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 70. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 93.

AN ACT

Securing liens to mechanics, laborers, and others.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Every person performing labor upon or furnishing material of the value of twenty-five (\$25) dollars or more, to be used in the construction, alteration or repair of any building or other superstruction, railroad, tramway, toll-road, canal, water-ditch, flume, aqueduct or reservoir, building, bridge, fence or any structure or improvement, except property exempt by law from execution, has a lien upon the same for the work or labor done or material furnished by each respectively, whether done or furnished at the instance of the owner of the building or other improvement or his agent; and all miners, laborers and others who work or labor to the amount of twenty-five (\$25) dollars or more in or upon any mine or upon any shaft, tunnel, adit, or other excavation, designed or used for the purpose of prospecting, draining or working any such mine, and all persons who shall furnish any timber or other material of the value of twenty-five (\$25) dollars or more, to be used in or about any such mine, whether done or furnished at the instance of the owner of such mine or his agent, shall have, and may each respectively claim and hold, a lien upon such mine for the amount and value of the work or labor so performed or material furnished; and every contractor, sub-contractor, architect, builder or other persons having charge or control of any mining claim, or any part thereof, or of the construction, alteration or repair, either in whole or in part thereof, or of the construction, alteration or repair, either in whole or in part thereof, of any building or other improvement as aforesaid, shall be held to be the agent of the owner, for the purposes of this chapter.

SEC. 2. Any person who at the request of the owner of any lot in any incorporated city or town grades, fills in or otherwise improves the same, or the street in front of or ad-

joining the same, has a lien upon such lot, when such lot is not exempt from execution, for his work done and material furnished.

SEC. 3. The land upon which any such building, improvement or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, is also subject to the liens, if at the time the work was commenced or materials for the same had commenced to be furnished, the land belonged to the person who caused said building, improvement or structure to be constructed, altered or repaired; but if such person owned less than a fee simple estate in such land or mining claim, in case of work performed thereon, then only his interest therein is subject to such lien, except as hereinbefore provided.

SEC. 4. The liens provided for in this chapter are preferred to any lien, mortgage or other incumbrance which shall have attached upon the property subsequent to the time when the work, building, structure or other improvement in this chapter mentioned was commenced, or materials were commenced to be furnished; also, to any lien, mortgage or other incumbrance of which the lien-holder had no notice, and which was unrecorded at the time the work, building, structure or other improvement was commenced or the materials were commenced to be furnished; *provided*, that from the time any person shall first commence to perform any work or labor upon any mining claim, such person shall have a lien upon such property, pursuant to this Act, for all work and labor he may thereafter do and perform thereon, and which shall be a preferred lien to any mortgage or other incumbrance not provided for in this chapter, which shall have attached subsequent to the time when such person first commenced such work or labor.

SEC. 5. Every original contractor, within ninety days after the completion of his contract, and every person, save the original contractor, claiming the benefit of this chapter, must, within sixty days after the completion of any building, improvement or structure, except as hereinbefore provided, or after the completion of the alterations or repair thereof, or performance of any labor in a mining claim, file for record with the County Recorder, in the county in which the property, or some part thereof, is situated, a claim containing a statement of his demands, after deducting all just credits and

offsets, with the name of the owner or reputed owner if known, and also the name of the person by whom he was employed, or to whom he furnished the material, with a statement of the terms, time given, and the conditions of the contract, and also a description of the property to be charged with a lien, sufficient for identification, which claim must be verified by the oath of himself or some other person. If such lien is claimed by a sub-contractor, or any person other than the original contractor, he shall, within five days after the filing of his claim of lien as aforesaid, serve a copy thereof on the owner of such building, superstructure, mining claim or other improvement, or on the agent of such owner, by delivering the same personally to him or by leaving the same at the usual place of residence of such owner or agent. If such owner does not reside within the county, and has no agent therein, service of the copy aforesaid may be made by posting the same in a conspicuous place on the building, superstructure, mining claim or other improvement to be charged with such lien.

SEC. 6. On being served with a copy of lien by a sub-contractor, as provided in the last preceding section, the owner of such building, superstructure, mining claim or other improvement shall withhold from the contractor, out of the first money due to him under the contract, a sufficient sum to cover the lien claimed by such sub-contractor or other person performing labor or furnishing materials, until the validity thereof shall be ascertained by a proper legal proceeding, and if the same be contested, and, if so established, the amount thereof shall be a valid offset to its extent in favor of the owner against the contractor. But no attachment served on the funds in the hands of the owner of such building, superstructure, mining claim or other improvement, for claims other than those expressed in this Act, shall lie against the liens created by this Act, nor shall the owner's be held or legally bound to answer such attachments until all claims under the contract or liens under this Act shall be first satisfied.

Sec. 7. In every case in which one claim is filed against two or more buildings, mining-claims, or other improvements, owned by the same person, the person filing such claim must at the same time designate the amount due to him on each of such buildings, mining claims or other improvements; otherwise the lien of such claim is postponed to other liens. The liens of such claimant does not extend beyond the amount

designated, as against other creditors having liens by judgment, mortgage or otherwise, upon either of such buildings or other improvements, or upon the land upon which the same is situated.

SEC. 8. The Recorder must record the claim or lien in a book kept by him for such purpose, which record must be indexed as deeds and other conveyances are required by law to be indexed, and for which he may receive the same fees as are allowed by law for recording deeds and other instruments.

SEC. 9. No lien provided for in this chapter binds any building, mining claim, improvement or structure for a longer period than ninety days after the same has been filed, unless proceedings be commenced in a proper Court within that time to enforce the same; or if a credit be given, then ninety days after the expiration of such credit; *provided, nevertheless*, that if there are other claims outstanding against the property no time or credit shall be given upon the lien after the expiration of the ninety days in which proceedings are required to be commenced, which shall tend to delay or postpone the collection of other claims or incumbrances against the property.

SEC. 10. The contractor shall be entitled to recover, upon a lien filed by him, only such amount as may be due him according to the terms of his contract, after deducting all claims of other parties for work done and material furnished as aforesaid, and in all cases where a lien shall be filed under this chapter for work done or material furnished to any contractor, he shall defend any action brought thereupon at his own expense, and during the pendency of such action the owner may withhold from the contractor the amount of money for which such lien may be filed, and in case of judgment against the owner or his property on the lien, the said owner shall be entitled to deduct from any amount due or about to become due by him to the contractor the amount of such judgment and costs, and if the amount of such judgment and costs exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor, he shall be entitled to recover back from the contractor any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable.

SEC. 11. In every case in which different liens are asserted against any property, the Court in the judgment must declare

the rank of each lien or class of liens, which shall be in the following order, viz:

First. All persons other than the original contractors and sub-contractors.

Second. The sub-contractors.

Third. The original contractors, and the proceeds of the sale of the property must be applied to each lien or class of liens in the order of its rank.

SEC. 12. Any number of persons claiming liens may join in the same action and when separate actions are commenced the Court may consolidate them. The Court may also allow as part of the costs the money paid for filing and recording the lien, and reasonable attorney's fees.

SEC. 13. Whenever materials shall have been furnished for use in the construction, alteration, or repair of any building or other improvement, such materials shall not be subject to attachment, execution or other legal process, to enforce any debt due by the purchaser of said materials, except a debt due for the purchase money thereof so long as in good faith the same are about to be applied to the construction, alteration or improvement of such mining claim, building or other improvement.

SEC. 14. Nothing contained in this chapter can be construed to impair or affect the right of any person to whom any debt may be due for work done or material furnished, to maintain a personal action to recover such debt against the person liable therefor, notwithstanding his lien, and, in his affidavit to procure an attachment, need not state that his demand is not secured by lien; but the judgment, if any, obtained by the plaintiff in such personal action shall be held taken and construed to be a waiver of his lien.

SEC. 15. Said liens may be enforced and foreclosed by an action in any Court of competent jurisdiction, and except as otherwise provided in this chapter, the provisions of Chapter XLVIII, of the Compiled Laws of Arizona, and all Acts amendatory thereof, and supplementary thereto, and all statutes relating to the practice and proceedings in the District Court, in so far as applicable, shall constitute the rules of practice in the proceedings mentioned in this chapter, and in

carrying its provisions into effect; and the provisions of Chapter XLVIII, and all Acts amendatory thereof and supplementary thereto, relative to new trials and appeals, except in so far as they are inconsistent with the provisions of this chapter, shall apply to the proceedings herein mentioned.

SEC. 16. On ascertaining the whole amount of liens presented, the Court shall enter judgment according to the rights of the parties and shall cause such premises to be sold in satisfaction of said liens and costs, within the time and in the manner that real estate is sold on execution in the District Court. If the proceeds of such sale are insufficient to satisfy all of said liens and costs in full, then the proceeds shall be applied to each lien or class of liens in the order of their rank and preference, and if there shall not be sufficient proceeds to satisfy any class of liens in full, then all liens of such class shall be paid *pro rata* of the amount to be apportioned to such class of liens, and judgment may be docketed for any deficiency in like manner and with like effect, as in actions for the foreclosure of mortgages; *provided*, the defendant has been personally served with summons or has appeared in the action.

SEC. 17. The holders of such liens, filed as aforesaid, on payment thereof, shall enter satisfaction of the same on record at request of any one interested in the property charged with the lien, within ten days after such request, on the payment of cost of such entry; and on failure to enter such satisfaction, shall forfeit and pay the party aggrieved the sum of twenty dollars per day until such satisfaction shall be entered, such satisfaction may be made in the same manner as mortgages are satisfied.

SEC. 18. Two or more creditors of the same class may assign their claims, duly verified, to any other creditor or person of the same class, and the assignee may commence and prosecute the action upon them all in his own name. All liens under this Act shall be assigned as any other choses in action.

SEC. 19. Any artisan or mechanic who shall make, alter or repair any article of personal property at the request of the owner or legal possessor of such property shall have a lien on such property so made, altered or repaired for his just and reasonable charges for his work done and materials furnished, and may hold and retain possession of the same until such just and reasonable charges shall be paid, and if not paid within the space of two months after the work shall be done,

such mechanic, artisan or laborer may proceed to sell such property by him so made, altered or repaired at public auction, giving twenty days' public notice of such sale by advertisement in some newspaper published in the county in which the work was done, or if there is no such newspaper, then by posting up notices of such sale in three of the most public places in the town or township where such work was done, and the proceeds of such sale shall be applied first to the discharge of such lien and the costs and expenses of keeping and selling such property, and the remainder, if any, shall be paid out to the owner thereof.

SEC. 20. All persons who shall perform work or labor upon any tract or tracts of land by cutting and cording the timber or wood growing or being thereon, pursuant to a contract therefore with the person or persons owning such tracts of land, or in possession of the same under a bona fide claim or title thereto, shall have and may each respectively claim and hold a lien upon the wood or timber so cut and corded, for the amount in value of the work or labor so performed, by retaining possession of the same until the whole amount due for such work or labor shall have been paid; *provided*, that any lien claimed and held as aforesaid shall be deemed to be waived unless an action be brought in some Court of competent jurisdiction for the recovery of the amount for which such lien is claimed as security within thirty days after such wood or timber shall have been taken in possession by the claimant, and the fact that such lien is claimed shall be set out in the complaint together with the description of and the number of cords of wood or timber retained in possession of the claimant. If the judgment be for the plaintiff in such action the execution shall direct the same, with costs, to be satisfied out of the wood or timber so retained, if the same shall be sufficient, if not then the balance to be satisfied out of any other property of the defendant not exempt from execution in the same manner provided by law. Justices of the Peace shall have jurisdiction of all actions under the provisions of this Section when the amount claimed does not exceed three hundred dollars.

SEC. 21. All foundry men and boiler makers, and all persons performing labor or furnishing machinery, or boilers or castings, or other materials for the construction or repairing or carrying on of any mill or manufactory or hoisting works, shall have a lien on such manufactory, mill or hoisting works for

such work or labor done on such machinery or boiler or castings or other materials furnished by each respectively, and all the provisions of this Act respecting the mode of filing, recording, securing and enforcing the liens of contractors, subcontractors, journeymen, laborers and others, and the word "superstructure" whenever it occurs in this Act shall be applicable to the provisions of this Section of this Act.

SEC. 22. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 23. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 94.

AN ACT

To locate, establish, and endow and provide for the maintenance of a Territorial Normal School.

As the Territory of Arizona is possessed of an exceedingly valuable exhibit at the New Orleans World's Fair, and as there is no provision made for its reception or care in this Territory, and as the town of Tempe, in Maricopa County, offers superior inducements for a Normal School, owing to cheapness of living, healthy location and agricultural surroundings, and agrees to give the Territory not less than twenty acres of patented land, with water, adjacent to the town; further, said town of Tempe offers peculiar advantages by having within its limits the best section of school land within the Territory, which is hereinafter set aside for the use of said Normal School, when the Territory becomes a State, said section to be used for a farm for said school, therefore

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a Normal School for the Territory of Arizona is established at Tempe, in Maricopa County, Arizona, the purpose of which shall be the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to a good common school education;

also, to give instruction in the mechanical arts and in husbandry and agricultural chemistry, in the fundamental law of the United States, and in what regards the rights and duties of citizens; *provided*, that a tract of land not less than twenty acres, within one-half mile from the limits of the town of Tempe aforesaid, be donated and secured to the Territory of Arizona, in fee simple, as a site for said Normal School, within sixty days after the passage and approval of this Act, and the Governor of the Territory is hereby empowered and it is made his duty to see that a good and sufficient deed be made to the Territory for the same.

SEC. 2. That said Normal School shall be under the direction of a "Board of Education," and shall be governed and supported as hereinafter provided.

SEC. 3. The said "Board of Education" are hereby authorized and it is made a part of their duty to immediately commence the erection and construction of a suitable building for said Normal School, upon the grounds specified in this Act as a site for the same. The sum of five thousand dollars is hereby appropriated for the erection thereof, which sum shall be paid out of the General Fund. The Territorial Treasurer is hereby authorized and required to pay over to the said Board the said sum of five thousand dollars, and the receipt of said Board, signed by the President and Secretary thereof, shall be his voucher for the same. The said Board shall have the power to let contracts for the building and completing of said Normal School building, and shall have entire supervision of its construction; *provided*, that all contracts let for the erection and completion of said institution shall be let to the lowest responsible bidder, after the letting of said contract shall have been published in at least two of the leading newspapers in the Territory for at least ten days before the letting of said contract.

SEC. 4. Said Board of Education shall consist of five members, three of whom shall be appointed by the Governor, and by and with the consent of the Legislative Council—one of whom shall hold his office four years, and two for two years. The Governor shall designate the one who shall hold his office for four years, and the two for two years. The Territorial Treasurer and Superintendent of Public Instruction shall, by virtue of their offices, be members of said Board. The Territorial Treasurer, by virtue of his office, shall be Treasurer of said Board, and the members thereof shall annually elect from

their number a President and Secretary. It shall be the duty of the Secretary to keep an exact detailed account of the doings of said Board, and he shall submit such reports to the Legislature as are required by this Act; and no member of said Board of Education shall, during his continuance in office as a member of said Board, act as agent of any publisher or publishers of school books or school library books, either directly or indirectly, and the Governor of the Territory is hereby authorized and required upon satisfactory evidence being produced to him, that any member of said Board is employed as such agent or is interested, as aforesaid, to remove such member of said Board from office, and to appoint another in his place to fill such vacancy.

SEC. 5. Said Board shall have power to appoint a principal and assistant to take charge of said school, and such other teachers and officers as may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either the principal, assistant or teachers, and appoint others in their stead. They shall prescribe the various books to be used in said school and make all regulations and by-laws necessary for the good government and management of the same.

SEC. 6. As soon as said Normal School is prepared to receive pupils, the Superintendent of Public Instruction shall give notice of the fact to each County Recorder in the Territory, and shall publish said notice in a newspaper published in each judicial district.

SEC. 7. The Board of Education shall ordain such rules and regulations for the admission of pupils to said school as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as shall be prescribed by the Board, and if it shall appear that the applicant is not a person of good moral character, will not make an apt and good teacher, such applicant shall be rejected. The Board of Education may, in their discretion, require any applicant for admission into said school, prior to such admission, to sign and file with said Board a declaration of intention to follow the business of teaching schools in this Territory, to pay or secure to be paid such fees for tuition as to said Board shall seem reasonable.

SEC. 8. Any person may be admitted as a pupil of said Normal School who shall pass a satisfactory examination;

provided, that the applicant shall before admission sign declaration of intention to follow the business of teaching schools in this Territory; *and, provided further*, that the pupil may be admitted without signing such declaration of intention on such terms as the Normal School Board may require or prescribe, and each county shall be entitled to send pupils in ratio to their representation in the Legislature to which it may be entitled, not to exceed such number as the Board may prescribe.

SEC. 9. After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members, to be appointed by the Board of Education, who shall examine thoroughly into the affairs of the School and report to the Superintendent of Public Instruction or Auditor their views in regard to its condition, success and usefulness, and any other matter they may judge expedient. Such visitors shall be appointed annually.

SEC. 10. Lectures in chemistry, comparative anatomy, the mechanical arts, agricultural chemistry and any other science or any other branches of literature that the Board of Education may direct, may be delivered to those attending such school, in such manner and on such terms and conditions as the Board of Education may prescribe.

SEC. 11. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the Board in such manner as may be required by them, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate which shall entitle the holder to teach a common school in any county in the Territory, for the time and in the branches stated in said certificate.

SEC. 12. All funds appropriated for the use and benefit of said Normal School shall be under the direction and control of the Board of Education, subject to the provisions herein contained. The Treasurer of the Territory shall pay out of such funds all orders or drafts for money to be expended under the provisions of this Act, such orders or drafts to be drawn by the Territorial Auditor, on certificate of the Secretary, countersigned by the President of the Board. No such certificate shall be given except upon accounts audited and allowed by the Board at their regular meetings.

SEC. 13. Services and all other necessary traveling expenses, as hereinafter provided, incurred by the Board of Education in carrying out the provisions of this Act, shall be paid on the proper certificate out of any funds belonging to said institution in the hands of the Treasurer. Until the erection and completion of the necessary buildings, the principal, assistant, teachers, Board of Education, and other officers employed in said school, shall be paid out of the Normal School Fund, and from the receipts for tuition after the erection of the necessary buildings. The members of the Board of Education shall be entitled to four dollars per day, and fifteen cents per mile actually and necessarily traveled in attending the meetings of the Board.

SEC. 14. For the purpose of aiding in the erection of said Normal School building, the Governor, Secretary of State and Auditor, shall within six months after the admission of Arizona as a State, or as soon thereafter as the Government shall cede to the State of Arizona the school lands lying within her border, set apart for the erection of said Normal School building twenty sections of land belonging to the State of Arizona, which lands shall be selected from any lands in Salt River Valley not otherwise appropriated, and the Governor, Secretary of State and Auditor, may, at their discretion, after advertising four months in at least four newspapers published in the State, sell said lands to the highest bidder at public sale, said land to be sold in quantities, not exceeding one hundred and sixty acres to any one person at one bid; *provided, however*, that no part of said land shall be sold for less than three dollars per acre.

SEC. 15. The proceeds of said sale shall be deposited with the Treasurer as a Normal School Fund, and shall be drawn therefrom upon the warrant of the Auditor, to be issued in pursuance of a certificate of the Board of Education, signed by their President, and countersigned by the Secretary, that the money is due and payable to the Principal of the Normal School or his assistants, as the teachers or officers employed, or the members of the Board of Education, as herein authorized, or for necessary incidental expenses in the support and maintenance of said school, or for the erection and completion of the Normal School building.

SEC. 16. That it shall be the duty of the Governor, to fill, by appointment, all vacancies that may occur in said Board of said school from neglect of duty.

SEC. 17. That the Governor, Secretary of State and Auditor may adjourn the sale of said lands from time to time as they may deem necessary; *provided*, that such adjournment shall in no case extend beyond a period of one year from the day first appointed for said sale.

SEC. 18. The Board of Education shall hold regular meetings in each year, to wit: During the first week in June and the first week in January in each year, in which first meeting the officers of the Board shall be elected. All meetings of the Board, when practicable, shall be in the Normal School building, and all financial matters, allowances, claims and accounts shall be disposed of at such regular meetings only. Special meetings of the Board may be called upon written order of the President of the same, which order shall specify the object of the meeting. An adjournment may be had from a regular or special meeting, but the adjournment must in either case state the reason in full of the same. A majority of the Board shall constitute a quorum to transact business. A true and faithful journal of their proceedings shall be kept, subject at any time to the inspection of any member of the Board.

SEC. 19. The Clerk of the Board of Education shall on the first day of January of each year, transmit to the Governor a full report of the expenditures of the same for the previous year setting forth in full each item and the date thereof.

SEC. 20. The Board of Education in their regulations, and the principal in his supervision and government of the school, shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance at said school, but no religious or sectarian tests shall be applied in the selection of teachers and none shall be adopted in the school.

SEC. 21. That all necessary expenses arising from the advertising and sale of said lands shall be paid from the funds arising from said sale by a warrant drawn by the Auditor upon the State Treasurer; *provided*, that all accounts for expenses above specified shall first be approved by the Superintendent of Public Instruction.

SEC. 22. Sufficient money not exceeding thirty-five hundred dollars is hereby appropriated out of the General Fund for the payment of teachers and the support of said Normal School for the years 1885 and 1886. The Territorial Treasurer is hereby authorized and directed to pay the warrants of

said Board of Education, when duly signed by the President and Secretary of said Board, for the pay of teachers and the support of said Normal School during the years as aforesaid; *provided*, that he does not exceed the amount hereinbefore appropriated.

SEC. 23. The President and Secretary and one other member of said Board of Education shall constitute a Building Committee, each of whom shall execute a bond with two or more sufficient sureties, to be approved by the Governor, in the penal sum of five thousand dollars. The compensation of the members of said Building Committee shall be four dollars per day each, for each day's service while engaged in the erection of said building, and fifteen cents per mile, each way, for the actual distance traveled to and from the place of meeting; *provided*, that no member of said Committee shall receive compensation exceeding the sum of one hundred dollars while engaged in the erection of said building.

SEC. 24. For the erection of said Normal School building and for the annual support thereof there shall be, and is hereby levied annually, in addition to all taxes otherwise directed to be levied, a tax of two and one-half cents on each one hundred dollars of the assessed value of all real and personal property in the Territory of Arizona, to be placed by the Territorial Treasurer in a fund to be known as the Normal School Fund, and to be used for this purpose only. The Territorial Auditor shall certify the rate of tax computed by him to the several Boards of Supervisors throughout the Territory necessary to raise the required amount as above stated, and the said Board of Supervisors are hereby directed and required to enter such rates on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other Territorial and county taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by the provisions of this Section shall be paid into the Territorial Treasury, and shall be applied as hereinbefore directed. Said levy shall be made annually until this Territory shall become a State.

SEC. 25. Each member of the House and Council of the Legislative Assembly of the Territory of Arizona shall have the right, biennially, to nominate a pupil from their respective

counties. If said pupils pass the prescribed examination, they shall be admitted into the said Normal School for the term of two years, free of tuition.

SEC. 26. The section of school land adjacent to the town of Tempe shall not be sold, but shall be reserved as a farm for said Normal School.

SEC. 27. There shall be provided in said Normal School building a room furnished with shelving, etc., which shall be used for the reception and care of the Arizona Territorial Mineral Exhibit, now at New Orleans. It shall be the duty of the officers of said institution to receive and care for the said Exhibit, free of expense to the Territory. Said Exhibit shall be open for the inspection of visitors at certain hours during the day.

SEC. 28. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 95.

AN ACT

To create and establish a County Court in the County of Cochise, Territory of Arizona, define its jurisdiction, prescribe its procedure, to abolish the Probate Court of said county, provide for the transfer of its jurisdiction to the County Courts and for other matters incidental thereto and connected therewith.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There is hereby established, and shall be in the County of Cochise, Territory of Arizona, a County Court, and for said Court a County Judge (who shall be an attorney and counsellor at law, and shall be a citizen of the United States and of this Territory, and shall have been a resident of the Territory for two years next preceding his appointment or election) shall be elected by the qualified voters of the County of Cochise, at the general election to be held in the year 1886, and at each alternate general election thereafter. The County Judge of said county shall hold his office for the term of four

years from the first day of January next after his election. In case of a vacancy in the office, by death, removal from the Territory, resignation or by impeachment or removal, or from any other cause, the Governor of the Territory is hereby empowered to and shall appoint a County Judge (who shall have the qualifications required by this Section) to fill such vacancy, and at the next general election thereafter, a County Judge shall be elected to serve for four years from the first day of January next succeeding his election. Within twenty days after the passage of this Act, the Governor shall appoint under the provisions of this Act, a County Judge in and for said County of Cochise, Territory of Arizona, who shall hold office until the first day of January, A. D. 1887.

SEC. 2. There shall be a County Clerk in and for said Cochise County who shall be elected at the general election to be held in 1886, and at each succeeding general election thereafter, who shall be the Clerk of the County Court and who shall perform such other duties as may be hereafter imposed upon such office by law. In case of vacancy in said office from any cause whatever the Governor of the Territory shall fill the same by appointment for the remainder of the unexpired term. The County Clerk shall hold his office for two years from the first day of January next after his election or appointment as herein prescribed. Within twenty days after the passage of this Act the Governor shall appoint a County Clerk for said Cochise County who shall be a resident of the county wherein he shall be appointed, and who shall hold his office until the first day of January, 1887. The County Clerk of said Cochise County shall give such bond to the Territory for the faithful performance of his duties in such sum as may be fixed by the Board of Supervisors of said county to be not less than three thousand dollars and not to exceed five thousand dollars.

SEC. 3. The Sheriff of the County, by himself or deputies, shall attend all sessions of the County Court, and serve and execute all writs, processes, mandates, orders and judgments of said Court to the same extent and in the same manner as he is now in all other Courts and in all other cases required by law to do.

SEC. 4. Said County Court shall be a Court of record, having a seal with the Coat-of-Arms of the Territory and "County Court, Cochise County, Arizona," sunk or engraved thereon,

and said County Court shall have original, general, criminal and civil jurisdiction except as hereafter limited, and shall have equal concurrent common laws, equitable and statutory jurisdiction with the District Courts in all cases. The County Court of said Cochise County shall have original concurrent jurisdiction with the District Courts in all cases of equity and in all cases at law which involve the title or possession of real property or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one hundred dollars or more, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for, of all actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, of all matters of probate, of divorce and for annulment of marriage, and all matters incidental thereto or connected therewith, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization and to issue papers therefor. Said County Courts shall have appellate jurisdiction in all cases arising in Justices and other inferior Courts in said Cochise County, in the same manner and to the same extent as is now allowed by law on appeals from such Courts to the District Courts. The said County Court of Cochise County shall be always open, legal holidays and non-judicial days excepted, and its process shall extend to all parts of the Territory; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said County Court and the Judge thereof shall have power to issue writs of mandamus, certiorari, injunction, prohibition, quo warranto and habeas corpus on petition, by or on behalf of any person in actual custody in said Cochise County. Injunctions, writs of prohibition and habeas corpus may be issued and served on legal holidays and non-judicial days, and all Acts and parts of Acts granting and conferring jurisdiction to and upon the District Courts and describing their civil and criminal procedure shall be and is here made applicable to the County Court of Cochise County. Appeals shall be taken from the County Court to the Supreme Court of this Territory in the same manner and in the same cases as are now allowed by law in appeals from the District and Probate Courts to the Supreme Court.

SEC. 5. The County Judge and the County Clerk shall reside at the County seat of said Cochise County, and the County Judge and County Clerk shall not be absent from said county more than thirty days during each calendar year, and any greater absence than is herein allowed shall render the office vacant, which vacancy shall within fifteen days thereafter be filled by appointment as herein provided.

SEC. 6. The County Judge shall have the power to appoint a Court Commissioner who shall have all the powers now conferred by law on the Court Commissioners of the District Courts, and whose term of office shall last during the term of the County Judge. The compensation, fees or salary of the County Court Commissioner of Cochise shall be the same as the compensation, fees or salary of the District Court Commissioner.

SEC. 7. When the County Judge of said Cochise County is interested in any suit, matter or proceeding pending in his Court, or has been attorney or counsel therein, or is related to either party thereto, he shall cease to further act upon the case, unless with the joint consent of all parties appearing upon the record, and the case, matter or proceeding shall thereupon be certified to the District Court in and for said Cochise County, and full jurisdiction of the case, matter or proceeding shall vest in the District Court.

SEC. 8. The County Judge shall be a magistrate of, for and within said County of Cochise, to the same extent, in the same cases and with the same powers granted by law to other magistrates.

SEC. 9. The County Clerk of said Cochise County may appoint one or more deputies, for whose acts he shall be responsible on his official bond. He shall keep such records, papers and files of his Court as are required by law to be kept by the Clerks of the District Court, and shall perform in and for the County Court and the Judge thereof the same duties that are now required by law of the Clerks of the District Courts in and for their respective Courts and Judges, and he shall receive for his services the sum of twelve hundred dollars per annum, in lieu of fees, and he shall charge the same fees as are now received by Clerks of the District Courts for similar services, and he shall pay the said fees into the General Fund of said Cochise County Treasury at the end of each and every calendar month, and he shall file therewith, with the County Treasurer, a sworn statement in detail

of the amount of fees received by him and the sources and persons from whence and whom received during the past calendar month, and he shall file a duplicate of said sworn statement with the Clerk of the Board of Supervisors at the same time, and he shall at the same time take receipts in duplicate of such payment from the County Treasurer, and shall thereupon file one of said receipts with the said Clerk of the Board of Supervisors.

SEC. 10. All persons charged with crime and held to bail or committed to custody by any committing Magistrate within the County of Cochise, where such person is held or committed shall be held to appear or committed to custody and ordered to appear (and in the manner now provided by law) before the first Grand Jury of the District Court or of the County Court of said county that shall be impaneled after such person is held or committed as aforesaid.

SEC. 11. The Probate Court of the County of Cochise shall continue to exist and retain and exercise the jurisdiction now and heretofore held and exercised by such Courts and the Judge thereof, anything in this Act to the contrary notwithstanding, until the first day of January, A. D. 1887, at which time said Probate Court of Cochise County is hereby declared to be and shall be abolished, and the records and files, papers thereof, all causes and matters pending therein, and the jurisdiction then held and exercised by the said Probate Court and the Judge thereof, shall be transferred to the County Court of said Cochise County, and the said County Court shall thereupon and thereafter without any lapse of jurisdiction of any of said causes or matters or jurisdiction so transferred have, hold and exercise said jurisdiction and proceed with all such cases, causes, and matters, and shall hear, determine and adjudge the same under the provisions of Chapters XXVI, XXVIII, XXIX, and all other Chapters of the Compiled Laws of Arizona, and of all other laws, Acts, and parts of Acts, conferring jurisdiction upon the Probate Courts or the Judges thereof, with the same powers, force and effect as said Probate Courts could and would exercise prior to the passage of this Act abolishing said Court and transferring its jurisdiction to the County Court of Cochise County as herein provided.

SEC. 12. The County Judge of Cochise County shall receive no fees or compensation whatever, other than the annual salary herein prescribed, which salary shall be two thousand dollars to be paid quarterly out of the General Fund of the county.

SEC. 13. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 96.

AN ACT

To aid in the construction of a certain railroad in Maricopa County.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Whenever any person, corporation or association of persons duly incorporated under the laws of the Territory of Arizona for the purpose of constructing the railroad in this Act set out and described, shall have completed the road-bed and laid the ties and rails for the distance of ten miles along the route of said road herein described and shall apply to the Board of Supervisors of the County of Maricopa, it shall be the duty of such Board of Supervisors and such Board of Supervisors are hereby authorized, directed and required within ten days after the completion of such ten miles of railroad as aforesaid to meet at the county seat of their county and, then and there issue the bonds of said county in the sum or sums per mile of railroad as hereinafter provided and in the same manner and form as hereinafter provided, and which said bonds shall within thirty days thereafter, upon proof of such person, corporation or association of persons so constructing said railroad being filed with said board of Supervisors together with the certificate of the chief engineer of such person, corporation or association, that such ten miles of railroad have been actually constructed as aforesaid, be issued, paid and delivered to said person, association or corporation so constructing said railroad who shall then and there receipt to the said Board of Supervisors of said county for the same. and whenever and as often as ten miles along the route of said road herein described additional to the first ten miles, shall have been constructed as aforesaid it shall be the duty of the Board of Supervisors of said county, and such Board of Supervisors are hereby authorized, directed and required to meet as aforesaid at the county

seat of their county and then and there issue the bonds of said county in a like amount per mile and in the like manner and form as hereinbefore and hereinafter provided, and which said bonds shall, upon such person, corporation or association so constructing said additional ten miles of said railroad filing with said Board of Supervisors the proofs and certificate hereinbefore called for, that said additional ten miles have been so actually constructed as aforesaid, be issued paid and delivered to said person, corporation or association so constructing said railroad who shall then and there receipt to the Board of Supervisors of said county for the same; *provided, also*, that if the last section along the route of said railroad to its terminal point in the County of Maricopa as hereinafter prescribed, shall be less than ten miles in length along said road, and whenever said last section of ten miles or less than ten miles shall have been actually constructed and the proofs thereof and the certificate as hereinbefore called for, filed with the Board of Supervisors of said county as aforesaid, it shall be the duty of said Board of Supervisors to meet at the county seat of their county and then and there issue the bonds of said county in like amount per mile as hereinbefore provided for each ten miles along the route of said road, which said bonds shall be issued, paid and delivered to said person, corporation or association so constructing said last section of ten miles or less than ten miles.

SEC. 2. The route of said railroad to which the provisions of this Act shall apply shall be as follows, to wit: Commencing at the city of Phoenix, Maricopa County, at a point so as to connect with any railroad then having its terminus at said city of Phoenix, and running thence in a northwesterly direction, by the most practicable route, to some point on the northern boundary line of Maricopa County, in the vicinity of Wickenburg in said Maricopa County.

SEC. 3. The Board of Supervisors of the County of Maricopa shall issue, pay and deliver the bonds of the county, in the manner and form as in this Act provided, and upon the construction as aforesaid of ten miles of railroad, or any additional ten miles and fractional part of ten miles of said railroad, of the route of the road herein set out and described and running through the said County of Maricopa, at a rate of fifteen hundred dollars per mile for each and every mile of a narrow gauge road, of not less gauge than thirty-six inches, so constructed as aforesaid; or at a rate of three thousand dollars per mile for each and every mile of a standard gauge

railroad so constructed as aforesaid along the route of the road in this Act described, and running through to said County of Maricopa.

SEC. 4. The bonds provided for in this Act shall be of the denomination of one thousand dollars each, and shall bear interest at the rate of seven per cent per annum, interest payable annually, and shall have coupons for said interest attached, so that said coupons may be removed without mutilation to the bond. The said bonds shall be issued in the name of the County of Maricopa, and shall be made payable to the railroad company constructing the road as aforesaid, or bearer, thirty years after date, and shall be made payable, both principal and interest, at the office of the County Treasurer of said Maricopa County. The said bonds and coupons shall be signed by the Chairman of the Board of Supervisors, in his official character, and shall be countersigned by the County Treasurer, and the Chairman of the Board of Supervisors shall also cause the seal of said Board of Supervisors to be affixed to each of said bonds, and the Board of Supervisors of said County of Maricopa are hereby authorized and directed, within thirty days after the passage of this Act, to prepare, or cause to be prepared, a sufficient number of bonds to meet the requirements of this Act, in the form and manner as follows:

No..... \$1,000.

Maricopa County Railroad Bond.

For value received, thirty years after date, the County of Maricopa, of the Territory of Arizona, promises to pay to or bearer, one thousand dollars, with interest thereon at the rate of seven per cent per annum from date, according to the coupons hereunto attached, said interest to be paid annually, on the date hereof, at the office of the County Treasurer of said County of Maricopa, and to pay both interest and principal in gold coin of the United States.

Dated at Phoenix, A. T., this day of A. D. 18

[SEAL.]
Chairman Board of Supervisors of Maricopa County.

.....
Treasurer of Maricopa County.

With coupons attached in such manner that they may be detached without mutilating the bond, one coupon for each years interest which shall become due on said bond, said coupons shall be numbered with the number of the bond, and shall be in form as follows :

No.

\$70.

For value received on the.....day of....., 1....., the County of Maricopa, Territory of Arizona, promises to pay at the office of the Treasurer of said county, seventy dollars, being the interest on Maricopa Railroad Bond No....., to date.

[SEAL]

.....

Chairman Board of Supervisors.

.....

Treasurer of Maricopa County.

SEC. 5. The Board of Supervisors of said County of Maricopa are hereby authorized and directed at their first regular meeting after the first issuance of bonds issued and delivered under the provisions of this Act, and annually thereafter, and at the time and in the manner provided by the general revenue laws of the Territory for levying taxes therein, to levy such additional tax as may be necessary to raise a sum of money sufficient to pay the interest on any outstanding bonds, issued under the provisions of this Act; *provided*, that in the year A. D. 1901, and every year thereafter, until both the principal and interest, of the bonds, which may have been issued under the provisions of this Act, shall have been paid, the said Board of Supervisors shall in the manner and at the time provided by the general revenue laws of the Territory for levying taxes therein, levy such further and additional tax as may be required to raise a sum of money sufficient to pay and redeem such amount of bonds and pay the interest thereon annually as will insure the redemption of the whole amount of bonds outstanding within fifteen years from said A. D. 1901, or by the year A. D. 1916, and until the whole of said bonds and the interest thereon shall have been paid and redeemed as aforesaid. The taxes so levied and collected shall by the Treasurer of said County of Maricopa be placed in a fund to be denominated "Railroad Interest and Redemption Fund," and the moneys so placed in said Fund are hereby appropriated and they shall be used for the purposes named in this Act, and for no other purpose whatever.

SEC. 6. The said Treasurer shall, out of said Railroad Interest and Redemption Fund, and if there be not sufficient in said fund then the amount of such deficiency shall be paid out of the General Fund of said county, pay annually, on the date of each bond, the interest which shall then have accrued upon the said bond, and upon the payment by the said Treasurer of any interest upon any of said bonds he shall require the coupons representing the interest paid to be detached and surrendered to him, and he shall endorse across the face thereof the date when he received the same and the amount paid therefor, and the same shall be retained by him in his office and be a voucher for the money paid out.

SEC. 7. Whenever there shall have accumulated in said Railroad Interest and Redemption Fund the sum of one thousand dollars in excess of the interest due and payable in any year upon all outstanding bonds issued by virtue of this Act, the County Treasurer of said county shall advertise for the surrender of the bonds then outstanding, by publishing a notice in some newspaper published in said county for at least thirty days, and shall state in said notice the amount of bonds he is prepared to redeem and the time and place where he will receive proposals for the redemption of said bonds. The Treasurer shall, at the time and place named in said notice published as aforesaid, and in the presence of any persons who may desire to be present, open such proposals as may be received, and shall accept only such bids as will cancel and redeem the greatest amount of said bonds for the least amount of money; *provided*, that no bond shall be redeemed at any greater rate than that of one hundred cents on the dollar; *and, provided further*, that if no proposals be received for the redemption of said bonds between the date of publishing said notice and the time fixed for the opening of said proposals, it shall be the duty of the Treasurer to give at least ten days' notice, by advertising in some newspaper printed in the County of Maricopa, that he is prepared to redeem certain of said bonds, which he shall designate in said notice by the number of said bonds and date of their issuance, which said designation shall be of the bonds bearing the lowest numbers unredeemed, and the interest shall cease on said bonds so advertised from and after the expiration of ten days from the first publication of said notice. All bonds when paid by the Treasurer shall be marked by him across the face thereof with the amount paid therefor and the day of such payment, and such canceled bonds, which shall have the unpaid and

not due interest coupons attached thereto, shall be retained by him and be his voucher for the money so paid out.

SEC. 8. The provisions of this Act shall apply to the first railroad constructed within the County of Maricopa as hereinbefore described in Section 2 and no other; and the person, corporation or association who shall construct a railroad in the County of Maricopa as hereinbefore provided, shall commence, or cause to be commenced, work on said road within twelve months after the passage of this Act and shall thereafter continue the construction of said road until the whole of the same shall have been completed from its point of commencement at the City of Phoenix in said County of Maricopa to the terminal point of said road in Maricopa County named in Section 2 of this Act, at as early a date as shall be considered practicable by said person, corporation or association. And said railroad as hereinbefore described shall be completed and ready to receive and transport passengers and freight on or before the first day of March, A. D. 1888, otherwise this Act shall be null and void and of no force whatever, but nothing in this Section shall be construed to effect the payment of any bonds issued prior to the first day of March, A. D. 1888.

SEC. 9. Within ninety days after the passage of this Act the Board of Supervisors of said county shall order a special election to be held in said County of Maricopa for the purpose of submitting to the vote of the people of said county the question, viz: Shall the Board of Supervisors of the County of Maricopa issue the bonds of said county as authorized by the provisions of this Act? And in the notice of such election shall state in plain and concise words the amount of bonds and the terms upon which they are authorized by this Act to be issued. Said notice shall also specify the time when and place where such election is to be held.

SEC. 10. The ballots to be cast at such special election shall contain the words "Railroad Subsidy—Yes" or "Railroad Subsidy—No." If the majority of the legal votes cast at such special election shall be in favor of granting the aid provided for in this Act another issuance of the bonds of said county as herein authorized then shall the said Board of Supervisors proceed to carry out the provisions of this Act in full, but if a majority of said legal votes shall be opposed to granting such aid then shall this Act become null and void and of no effect. Said notice of election shall be inserted for

at least twenty days before the day of such election in some newspaper published in said county and posted in three conspicuous places in each voting precinct in said county for a like period of time. And all general laws relative to elections shall be observed in the conduct of such special election so far as the same are applicable thereto.

SEC. 11. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 97.

AN ACT

To create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and to prescribe the duties and salaries of certain county officers in the County of Apache.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in and for the County of Apache, Territory of Arizona, at the next general election and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years and until his successor is duly elected and qualified.

SEC. 2. Within thirty days after the passage of this Act, it shall be the duty of the Chairman of the Board of Supervisors, Probate Judge, and Treasurer of said County of Apache to appoint a County Assessor in and for said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who before entering upon the discharge of the duties of his office shall execute a bond to the Territory of Arizona in the penal sum of two thousand dollars with two or more sufficient sureties, to be approved by the Board of Supervisors of said County of Apache.

SEC. 3. The condition of such bond shall be in substance as follows: "Whereas the above bounden (insert name of Assessor) hath been elected (or appointed, as the case may be) to the office of County Assessor of the County of Apache.

Now, therefore, the condition of the above allegation is such that if the said ——— shall well, truly and faithfully in all things, perform and execute the office of County Assessor of said County of Apache during his continuance in office without fear or favor, fraud, deceit or oppression and shall pay over all moneys that may come into his hands as such County Assessor, then the above obligation to be void, otherwise to remain in full force and effect.

SEC. 4. It shall be the duty of the County Assessor created by this Act to perform all the functions heretofore imposed upon and performed by the Sheriff of the County of Apache, when acting as Assessor, and to collect all poll taxes as have heretofore been collected by the Tax Collector.

SEC. 5. The County Assessor of the County of Apache Territory of Arizona, shall receive for his own use, as full compensation for all services rendered by him or his deputies pursuant to this Act, the following salary per annum, and none other, to be paid whenever the duties of making the assessment of the property is completed in each year, to wit: the sum of eight hundred dollars; *provided, however*, that he shall, in addition to the salary above established, receive for the collection of personal property tax or taking a bond for the payment thereof, the same fees as have been heretofore allowed the Sheriff when acting as County Assessor and Tax Collector, and twenty-five cents for every poll tax collected.

SEC. 6. The County Treasurer of the said County of Apache shall be *ex officio* Tax Collector in and for said Apache County and shall perform all the duties heretofore imposed upon the Sheriff as *ex officio* Tax Collector in the collection of taxes listed upon the tax roll, and it shall be his duty to proceed to collect the taxes therein mentioned, and for that purpose he shall post notices in three conspicuous voting precincts in the county notifying the taxpayers that their taxes for the current year are due and payable at the office of the Tax Collector of the county and must be paid on or before the third Monday following, under a penalty of five per cent to be added thereto, and shall also publish a like notice in that newspaper published in the county (if there be any newspaper published therein) having the largest circulation within the county, once a week for eight weeks prior to said third Monday of December, which said notices shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 7. It is hereby made the duty of the Board of Supervisors of said Apache County to provide a safe and suitable vault for the deposit of all county moneys, and the duty of the County Treasurer and *ex officio* Tax Collector to keep all of said moneys therein. If the County Treasurer and *ex officio* Tax Collector shall keep any moneys of the county in a private bank or other private place of deposit, or loan or use said moneys for his own gain or the gain of another, he shall be deemed guilty of a felony, and upon conviction he shall be punished by imprisonment in the Territorial prison for a term not less than one nor more than ten years.

SEC. 8. The County Treasurer and *ex officio* Tax Collector of said Apache County shall receive to his own use as full compensation for all services rendered by him or his deputies, as Treasurer and *ex officio* Tax Collector, the following salary per annum, in lieu of all percentage heretofore allowed, to be paid in quarterly installments at the end of each quarter, to wit: the sum of two thousand dollars, and he shall not collect or receive any percentage whatsoever for the collection of taxes, except such percentage as is required by law to be paid upon delinquent taxes.

SEC. 9. The Sheriff of said Apache County shall receive to his own use as full compensation for all services rendered by him or his deputies, except as hereinafter provided in this Section, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: five thousand dollars; *provided, however*, he shall in addition to the salary above established receive for his own use all rewards paid to him for the apprehension, arrest or conviction of criminals, and in case he renders other services outside of his county or in the transportation of convicts to the penitentiary, the Board of Supervisors must allow him the amount of his actual expenses, and the same shall be paid from the General Fund of said county, and the Board of Supervisors of said County of Apache may, in case of riot or other emergency, allow and pay said Sheriff for such additional help as may be required to perform the work of his office, and said Sheriff shall further be allowed all necessary keeper's fees in civil cases, but in no case shall he be allowed more than four dollars per day for each keeper.

SEC. 10. The District Attorney of said Apache County shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the fol-

lowing salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: the sum of three thousand dollars; *provided, however*, that whenever required by any Justice of the Peace distant from the county seat to appear and attend any preliminary examination before such Justice, he shall be allowed mileage at the rate of twenty cents per mile for each and every mile necessarily traveled, by the most practicable route, to be paid from the General Fund, as other claims against the county are paid.

SEC. 11. Nothing in this Act contained shall be so construed as to take away or effect the right of any officer herein mentioned from demanding, collecting and receiving the fees of his office, now or hereafter allowed by law, and paying the same into the County Treasury, as hereinafter required; *provided, however*, that no officer shall charge against said Apache County nor shall said Apache County allow or pay any fee, percentage or per diem other than the salaries provided for by this Act.

SEC. 12. The Sheriff and Assessor of said Apache County shall each keep a fee book in which he shall enter an exact and full account in detail of all fees, mileage, commissions, compensations and percentages of whatever nature or kind by him or his deputies earned and collected with the date, the name of the payer and the nature of the service in each case. Immediately after the close of his official term he shall deposit said book in the office of the Clerk of the Board of Supervisors of said County of Apache. On the first Monday in January, April, July and September of each and every year, he shall file in the office of the Clerk of the Board of Supervisors of said county a sworn statement in writing of the amount of fees, commissions, compensation and percentage earned and collected by him or his deputies for official services during the three calendar months ending on the last day of the previous month. If any person occupying any of said offices shall hold more than one office he shall keep a separate fee book for each office, and shall make separate statements for each. The Clerk of the Board of Supervisors of said county is hereby required to make an abstract of the amount of fees, percentage and compensation returned to him as having been earned and collected by the respective officers named in this Section, and shall forward a sworn statement of the same to the Secretary of the Territory in the month of January of each year to be by him filed, kept and preserved in his office for the inspection of the public, Territorial officers and the Legislative Assembly

as other public records and documents. Every officer mentioned in this Section who shall wilfully fail or neglect to file such statement as required by this Section shall be removed from his office by the Board of Supervisors of said Apache County, and be deemed guilty of a misdemeanor, and upon conviction thereof in any Court of competent jurisdiction shall be fined in any sum not exceeding five thousand dollars.

SEC. 13. The Sheriff and Assessor of said Apache County shall on the first Monday of each month in each year pay into the County Treasury of said County of Apache, except as in this Act otherwise provided, all money collected and received by them severally for fees, commissions, compensation or percentage of their several offices during the month next preceding, and take the receipts of the County Treasurer in duplicate therefor, and forthwith file such duplicate receipt with the Clerk of the Board of Supervisors; said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors upon file in his office. Every officer who shall wilfully fail or neglect to pay over any money collected or received by him as required by the provisions of this Section shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the Territorial Prison for a term not less than one no more than ten years.

SEC. 14. It shall be the duty of every officer mentioned in the last two preceding Sections of this Act to collect in advance all fees, commissions, compensation and percentage allowed and authorized by law.

SEC. 15. The Board of Supervisors of said County of Apache shall prescribe the number and compensation of all employees in and about the County Jail of said county, and shall allow and pay the said employees in the same manner as other charges against the county are allowed and paid.

SEC. 16. All fees paid to the County Treasurer of said Apache County by virtue of this Act shall be by him placed in a fund to be known as the "General Salary Fund," and all warrants drawn by the Board of Supervisors for salaries as provided in this Act shall be drawn on said Salary Fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn upon demand, the Board of Supervisors are hereby authorized to transfer from the General Fund of the County to said Salary Fund such money as may be necessary to pay said warrants, and if at any time the amount of money in said Salary Fund is more than sufficient

to pay the warrants so drawn upon said fund the Board of Supervisors are hereby authorized to transfer such amounts as they may deem proper from said Salary Fund into the General Fund of said county.

SEC. 17. This Act shall take effect and be in force from and after its passage.

SEC. 18. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 12, 1885.

No. 98.

AN ACT

Authorizing a loan on the faith and credit of the Territory, and to provide for the construction of a bridge across the Gila River, at or near the town of Florence.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of fifteen thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, to be paid at the expiration of fifteen years from the date thereof, and to bear interest at the rate of eight per cent per annum.

SEC. 2. The Treasurer of the Territory is hereby authorized and directed, when required by the Board of Bridge Commissioners hereinafter specified in this Act, to issue bonds in sums of fifty, one hundred, and two hundred and fifty dollars, payable in fifteen years from date, and not exceeding in the aggregate the sum of fifteen thousand dollars, in the following form, to wit:

Bond No. \$.....
day of.....A. D. 188..

Fifteen years after date the Territory of Arizona promises to pay to the order of the Governor of the Territory
dollars, with interest at the rate of eight per cent per annum from date, payable annually at the Treasury of the Territory, for value received.

.....
 Secretary of the Treasury.

.....
 Treasurer.

SEC. 3. All such bonds shall be signed by the Secretary with his own proper name, affixing his official character, and shall be authenticated with the great seal of the Territory, and shall be endorsed by the Governor of the Territory with his proper name and affixing his official character, and shall then be delivered by the Secretary to the Treasurer of the Territory, and the Secretary shall keep a register of said bonds, showing the number and amount of each bond, and shall charge the Treasurer with the full amount of such bond. At the time of issuing said bonds under the provisions of this Act, the Territorial Treasurer shall sign a sufficient number of them with his own proper name, affixing his official character, which said signing shall bind the Territory, and shall in the same manner sign the coupons thereunto attached, as hereinafter provided. The coupons or certificates for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injury or mutilating the bonds, and shall be severally numbered from one to fifteen inclusive, and each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all bonds issued by him, and shall deliver the same to the Bridge Commissioners hereinafter named, and the said Commissioners shall sell and dispose of the said bonds at as high a rate as possible and convert the said bonds into cash; *provided*, that no bond shall be sold or disposed of by them for less than ninety-five cents on the dollar.

SEC. 4. The Territorial Treasurer shall pay the interest on said bonds when due, taking the coupons as his vouchers therefor, and he may retain in his hands for that purpose a sufficient amount of money of the Territory.

SEC. 5. The Board of Bridge Commissioners shall consist of three persons, two of whom shall constitute a quorum, for the transaction of business, as follows: J. W. Anderson, John C. Harris and Jose M. Ochoa, and they shall hold their offices for two years, and until their successors are elected or appointed, as the case may be, and qualified. In case of a vacancy, the Governor shall appoint one or two, as may be required to constitute a full Board. The Governor shall issue commissions to the persons herein appointed Bridge Commissioners, and to those who may hereafter be appointed to fill any vacancy that may arise.

SEC. 6. It is hereby made the duty of said Bridge Commissioners, within sixty days after the passage of this Act, to commence the survey and location of a bridge across the Gila

River, at or near the town of Florence, in the County of Pinal, and as soon as such survey and location has been completed, it shall be the duty of said commissioners to prosecute the work of building said bridge to completion as speedily as possible.

SEC. 7. The said Board of Bridge Commissioners are hereby authorized, in the construction of said bridge, to employ laborers by the day or month to perform the same, or to let the same by contract, as they may deem best.

SEC. 8. Each of said Bridge Commissioners shall, before entering upon the duties of the office, give bonds in the sum of five thousand dollars, with two or more sufficient sureties, to the Territory, conditioned for the faithful performance of the duties of the office, which shall be approved by the Governor, and filed in the office of the Secretary of the Territory. Said Commissioners shall receive a compensation for their services of six dollars per day, when actually employed on such commissions, and this shall be full compensation for their services.

SEC. 9. It shall be the duty of said Board of Bridge Commissioners to keep a correct account of all expense incurred in the construction of said bridge, and make a full report of the same to the Governor on or before the first day of January in each year, and the Governor shall transmit a copy of said report to the next Legislative Assembly.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 99.

AN ACT

To organize the University of the Territory of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be established in this Territory at or near the City of Tucson, in the County of Pima, upon the grounds secured for that purpose, in the manner hereinafter provided, an institution of learning under the name of the "University of Arizona."

SEC. 2. The object of the University shall be to provide the inhabitants of this Territory with the means of acquiring a thorough knowledge of the various branches of literature, science and the arts.

SEC. 3. The government of the University shall vest in a Board of Regents to consist of a President and six members who shall be appointed as hereinafter provided, and the Territorial Superintendent of Public Instruction and Secretary of the Territory shall, also, during their respective terms of office, be *ex officio* members of said board. A majority of the board shall constitute a quorum for the transaction of business.

SEC. 4. The members of the Board of Regents shall be appointed by the Governor of the Territory, by and with the advice and consent of the Council, two-thirds of the members of the Council concurring therein, and shall hold their offices, respectively, except those appointed to the first board, for the term of four years, from the first Monday of August succeeding their appointment, and until the appointment of a successor; *provided*, that not more than two of the regents to be appointed shall be members of the same religious denomination. Immediately upon the passage of this Act it shall be the duty of the Governor to appoint the members of the first Board of Regents, three of whom he shall appoint for two and three for four years, from the first day of August next, and every second year after the passage of this Act there shall be appointed as aforesaid, for the term of four years, three members of said board, whose term of office shall commence on the first day of August after their appointment.

SEC. 5. Whenever there shall be a vacancy in the office of regents of the University for any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the Legislature then next thereafter and until others are appointed in their stead.

SEC. 6. The Regents of the University and their successors in office shall constitute a body corporate with the name and style of the "Board of Regents of the University of Arizona," and by that name they and their successors shall be known in law, have perpetual succession, may sue and be sued, may purchase, receive and hold property, real and personal for the benefit of the Territory of Arizona and the use of said University of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

SEC. 7. Before entering upon the discharge of their duties, each of the members of said Board of Regents shall execute a bond, with two or more sufficient sureties, to be approved by the Governor, in the penal sum of five thousand dollars, and take and subscribe an oath of office similar to the oath required of other Territorial officers, which bond and oath shall be filed and kept in the office of the Territorial Treasurer.

SEC. 8. The regents shall appoint a Secretary, a Treasurer, and a Librarian, who shall hold their respective offices during the pleasure of the Board. It shall be the duty of the Secretary to record all the proceedings of the Board, and carefully to preserve all its books and papers, and to perform such other duties, pertaining to his office, as the Board of Regents may from time to time require. The Treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the Board of Regents may require.

SEC. 9. The Board of Regents shall have power, and it shall be their duty, to enact laws for the government of the University, to elect a Chancellor, who shall be *ex officio* President of the Board of Regents, and when the Chancellor is absent from any meetings of the Board, the Board may appoint a President *pro tem*; they may also appoint and employ the requisite number of professors and tutors, and such other officers and employees as they may deem expedient, and shall also determine the amount of their respective salaries.

SEC. 10. The University shall consist of five departments:

First. The department of science, literature, and the arts.

Second. The department of theory and practice and elementary instruction.

Third. The department of agriculture.

Fourth. The normal department.

Fifth. The department of mineralogy and school of mines.

The immediate government of the several departments shall be entrusted to their respective faculties, but the Board of Regents shall have the power to regulate the course of instruction and prescribe, under the advice of the professorships, the books and authorities to be used in the several departments, and also to confer such degrees, and grant such diplomas as are usually conferred and granted by other Universities.

SEC. 11. The Board of Regents shall have power to remove any officer or employee connected with the institution, other than the Chancellor or member of the Board of Regents, when in their judgment, the interests of the University require it.

SEC. 12. The fee of admission to the University shall never exceed the sum of twenty dollars, and the charge for tuition in either of the departments shall never exceed in one year, to the residents of the Territory, fifty dollars, and as soon as the increase of the University fund will permit, the tuition in the first and second departments, shall be without charge to all students in the same who are residents of the Territory.

SEC. 13. The Board of Regents are authorized to expend such portion of the income of the University Fund and the funds hereinafter provided, for said University as they may deem expedient for the erection of suitable buildings upon the grounds hereinafter provided for, and the purchase of apparatus, a library, and cabinet of natural history, and mineralogy.

SEC. 14. The Board of Regents shall make a report annually to the Governor of the Territory, on or before the second day of January of each year, exhibiting the state and progress of the University in its several departments, the course of study, the number of professors employed, and students in attendance, the amount of receipts and expenditures and such other information as they may deem proper. Meetings of the Board may be called in such manner as the Board of Regents may prescribe, and any five of them at a meeting regularly called, shall be a quorum for the transaction of business, and a less number may adjourn from time to time. No sectarian tenets, opinions, doctrines or principles shall be taught in any of the departments of said University, nor shall any sectarian tenets or opinions be required to entitle any person to be admitted as a student in said University, and no such tenets or opinions shall be required as a qualification for any person as regent, tutor, or professor of such University.

SEC. 15. The compensation of said Board of Regents shall be ten dollars per day each, for each day's actual attendance upon the said Board, and in traveling to and from the place of meeting; *provided*, that no member of said Board shall receive compensation in any one year exceeding the sum of one hundred and fifty dollars; except for the year or portions of the same that they shall be engaged in the construction of the

buildings hereinbefore provided, and for the days necessarily employed in the construction of such buildings and improvements, an amount not to exceed \$500 to each regent.

SEC. 16. For the purpose of carrying out the provisions of this Act, a loan of twenty-five thousand dollars is hereby authorized to be negotiated and made, on the faith and credit of the Territory of Arizona, and to bear interest at the rate of seven per cent per annum.

SEC. 17. The Treasurer of the Territory of Arizona is hereby authorized and directed to issue and deliver to said "Board of Regents of the University of Arizona," and said Board of Regents are hereby authorized to sell not exceeding twenty-five thousand dollars of the bonds of this Territory, bearing interest at seven per cent per annum, which interest shall be payable annually in lawful money of the United States, on the first Monday in January in each year, at the office of the Territorial Treasurer. The principal of said bonds shall be and is expressly made payable in lawful money of the United States, within twenty years after the date of their issue, and shall be of such denomination as the said Board of Regents shall direct, and shall bear the date of their issue, and shall be signed by said Treasurer of the Territory of Arizona, and countersigned by the President of the said Board of Regents, in his official capacity, and shall have the seal of said Board of Regents affixed thereto, and the faith of the Territory of Arizona is hereby pledged for the payment of said bonds, and the interest accruing thereon as herein provided.

SEC. 18. Coupons for the interest accruing on said bonds shall be attached thereto severally, so that they may be removed without injury or mutilation to the bond. Said coupons shall be consecutively numbered, and shall bear the number of the bond to which they are attached, and shall be signed by the Territorial Treasurer.

SEC. 19. Said bonds shall be prepared and signed by the Treasurer of the Territory of Arizona, with said coupons attached thereto, and delivered to said Board of Regents of the University of Arizona, at any time hereafter and as soon as practicable after said Treasurer shall have been requested by said Board of Regents so to do, taking the receipt of said Board therefor.

SEC. 20. The expense incurred by the Territorial Treasurer in having said bonds prepared, shall be paid out of the

General Fund of the Territory, from any money therein not otherwise appropriated, to be expended only upon warrants drawn by the Territorial Auditor upon the certificate of the Territorial Treasurer, that the expense has been incurred and that the claim is just.

SEC. 21. It shall be the duty of the Territorial Treasurer to keep and transmit to his successor a permanent record of all bonds issued under the provisions of this Act, and it shall be the duty of said Board of Regents of the University of Arizona also to keep a permanent record in the office of said Board, and of all bonds sold, the name of the purchaser, and price received by said Board under the provisions of this Act, and transmit to the Governor a certified copy of said record as soon as said bonds shall have been sold.

SEC. 22. The Board of Regents of the University of Arizona is hereby authorized to demand of, and receive from, the Treasurer the bonds authorized by this Act to be issued and sold, or such part of the same as in the judgment of said Board shall be necessary to carry out the purposes of this Act, and after the same shall have been countersigned by the Chancellor of the University of Arizona, the said Board of Regents is hereby authorized to sell said bonds for the purpose of constructing the necessary buildings, fences, superstructures, and all other necessary improvements upon the lands obtained for said University as hereinafter provided, and to purchase and place in said building the necessary furniture, appliances, apparatus, library, and cabinet of natural history and mineralogy to render said grounds and buildings suitable and convenient for the use and occupation of said University of Arizona. Any moneys received by said Board from the sale of said bonds and not expended under the provisions of this Act for improving said grounds, constructing buildings and furnishing the same, as herein required, shall be paid into the Territorial Treasury, and by the Treasurer placed in the University Fund by this Act created; *provided, however*, that before the Territorial Treasurer shall prepare or deliver any of said bonds to said Board of Regents, said Board of Regents shall certify to said Treasurer that Pima County, the City of Tucson, or other people in their behalf and stead, have conveyed to said Board of Regents and their successors, for the benefit of the Territory of Arizona, and the use of said University, not less than 40 acres of unincumbered land at or near the said City of Tucson, suitable for said University, and

none of the provisions of this Act shall be of any force or effect until said land has been so conveyed to said Board of Regents and their successors, as herein provided.

SEC. 23. Before the sale of any of said bonds the said Board of Regents shall cause notice of such sale to be published in four daily newspapers published in English, one in the city of New York, State of New York; one at the city of San Francisco, State of California; one at the Territorial Capital, and one at the city of Tucson, in said Territory. Such notice shall specify the amount of bonds to be sold, the rate of interest they shall bear, the place, day and hour of sale, and that sealed proposals will be received by said Board of Regents within one month from the expiration of such publication and that none of said bonds will be sold for a less sum than ninety-five cents on the dollar of their par value, and at the place, on the day and hour named in said notice, the said Board of Regents shall open all sealed proposals received by it, and shall award the purchase of said bonds to the highest bidder or bidders therefor; *provided*, that such bid shall not be for a less sum than ninety-five per cent of the par value of said bonds; *and, provided further*, that said Board of Regents may reject any and all bids if they deem it to the advantage of the Territory; *and, provided further*, that if none of said bids are accepted said Board of Regents shall again advertise said bonds for sale, and proceed as hereinbefore provided under fresh notice of sale.

SEC. 24. For the payment of the interest on the bonds issued under this Act, after such bonds shall have been issued, there shall be and is hereby levied annually, in addition to all taxes otherwise directed to be levied and collected, a tax of two and one-half cents on each one hundred dollars of the assessed value of all real and personal property in the Territory of Arizona, to be placed by the Territorial Treasurer in a fund to be known as the "University Interest Fund;" and commencing ten years thereafter there shall be in like manner annually levied and collected such an additional amount as shall pay twenty-five hundred dollars of the principal of said bonds and any amount of interest accrued thereon and remaining unpaid by said Interest Fund, to the end, intent and purpose that all of the principal and interest of all of said bonds shall be fully paid during the period of twenty years from the date of their issuance. The Territorial Auditor shall certify the rate of tax computed by him to the several Boards of

Supervisors throughout the Territory necessary to raise the required amount for the redemption of the bonds as above stated, and the said Boards of Supervisors are hereby directed and required to enter such rate on the assessment rolls of their respective counties, in the same manner and with the same effect as is provided by law in relation to other Territorial and county taxes. Every tax levied under the provisions or authority of this Act is hereby made a lien against the property assessed, which lien shall attach on the first Monday in March in each year, and shall not be satisfied or removed until such tax has been paid. All moneys derived from taxes authorized by this Section shall be paid into the Territorial Treasury and shall be applied:

First. To the payment of interest on the bonds issued by the provisions of this Act.

Second. To the payment of the principal of such bonds, *provided*, that all moneys remaining in the Territorial Treasury, after the payment of the interest and principal in each year thereafter, as herein provided, after the issuance of any bonds under this Act, shall be transferred by the Territorial Treasurer to a fund which shall be known as the "University Fund," and the Territorial Treasurer is hereby authorized and directed to open a separate account with, and keep said moneys so transferred to said fund, and all other moneys which are paid into said fund separate, and apply the same only in payment of warrants drawn by the Auditor in payment of the expenses of the maintenance of said University.

SEC. 25. Whenever, after the expiration of ten years from the issuance of any bonds under this Act, there remains after the payment of the interest, as provided in this Section, a surplus of twenty-five hundred dollars or more, it shall be the duty of the Territorial Treasurer to advertise for the space of one month in like manner as said Board of Regents of the University advertise for bids as set forth in Section 22 herein, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, commencing at the lowest number then outstanding, which such fund is set apart to pay and discharge, and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation at the expiration of such publications, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after the expiration of

such publication. Before any of such bonds shall be paid they shall be presented to the Territorial Auditor, who shall endorse on each bond the amount due thereon, and shall write across the face of each bond the date of its surrender and the name of the person surrendering the same.

SEC. 26. The Territorial Treasurer shall keep a full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act with his annual report, to be by the Governor laid before the Legislature biennially, and all books and papers pertaining to the matter provided in this Act, shall at all times be open to the inspection of any party interested, or the Governor, or a committee of either branch of the Legislature, or a joint committee of both.

SEC. 27. It shall be the duty of the Territorial Treasurer to pay the interest on said bonds when the same falls due, out of the Interest Fund, if sufficient, and if said fund be not sufficient then to pay the deficiency out of the General Fund; *provided*, that the Territorial Auditor shall first draw his warrant on the Territorial Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due and payable out of the General Fund, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.

SEC. 28. For the support of said University, in addition to the provisions hereinbefore made, there shall be, and is hereby appropriated the proceeds from the sale of all lands that have been or may hereafter be granted by the United States to the Territory for University purposes, or of any moneys granted by the same for the like purpose, and the proceeds of all lands, money or other property, given by individuals, or appropriated by the Territory for the like purpose, which shall be and remain a perpetual fund, the interest or income of which, together with the rents of all such lands as may remain unsold shall be inviolably appropriated and annually applied to the specific object of the original gift, grant or appropriation; and no such money, property, or proceeds shall under any pretense be applied, used or loaned for any other uses or purposes whatsoever.

SEC. 29. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 30. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 100.

AN ACT

To make the County Treasurer of Maricopa County *ex officio* County Collector, and to prescribe the fees, salaries and duties of certain officers of said county.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The County Treasurer of the County of Maricopa, in this Territory, shall be *ex officio* County Collector in and for said county, and perform all the duties heretofore imposed upon the Sheriff of the several counties of this Territory, as *ex officio* County Collector in the collection of taxes listed upon the tax roll of said Maricopa County, and it shall be his duty to proceed to collect the taxes therein mentioned, and for that purpose shall post notices in three conspicuous places in each voting precinct in said county, notifying the taxpayers of the county that their taxes are due and payable at the office of the County Collector of the county and must be paid on or before the third Monday in December following, under a penalty of five per cent to be added thereto, and shall also publish a like notice in that newspaper published in that county once a week for eight weeks prior to said third Monday in December, which said notice shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 2. It shall be the duty of the said County Treasurer and *ex officio* County Collector, to keep all public moneys received by him either as Treasurer or County Collector in the safe and vault in his office, and if he keep any money of the county in a private bank or other private place of deposit or shall loan or use said money for his own gain or the gain of another he shall be deemed guilty of a felony, and upon conviction he shall be punished by imprisonment in the Territorial Prison for a term not less than one nor more than ten years.

SEC. 3. The several county officers of the County of Maricopa, hereinafter designated, shall each receive to his own

use as full compensation for all services rendered by him or his deputies or clerks, and in lieu for all percentages or fees heretofore or hereafter allowed by law to such officer, an annual salary to be paid in quarterly installments at the end of each quarter as follows: The Sheriff and *ex officio* County Assessor of said county the sum of six thousand dollars; the County Treasurer and *ex officio* County Collector of said county the sum of two thousand dollars; the County Recorder of said county the sum of eighteen hundred and fifty dollars; the Clerk of the District Court of said county the sum of one thousand dollars; the District Attorney of said county the sum of two thousand dollars; the Clerk of the Board of Supervisors the sum of five hundred dollars; the Probate Judge of said county as Judge and Clerk of the Probate Court and *ex officio* County Superintendent of Public Schools the sum of twelve hundred dollars; *provided, however*, that the Sheriff shall in addition to his salary as above established, receive to his own use all rewards paid to him for the arrest and conviction of criminals.

SEC. 4. Nothing in this Act contained shall be so construed as to take away or effect the right of any officer herein mentioned from demanding, collecting, and receiving the fees of his office now or hereafter allowed by law, and paying the same into the County Treasury, as hereinafter required; *provided, however*, that no such officer shall charge against the County of Maricopa, nor shall said county allow or pay, any fee or *per diem* other than the salaries and mileage provided for in the preceding Section of this Act.

SEC. 5. Each of the officers designated in Section 3 of this Act, except the District Attorney, shall keep a fee book, in which he shall enter an exact and full account in detail of all fees, commissions, compensation and percentages of whatever kind or nature, by him or his deputies earned and collected, with the date, the name of the payer, and the nature of the service in each case. Immediately after the close of his official term, he shall deposit said book in the office of the Clerk of the Board of Supervisors of said county. Each of said officers shall, on the first Mondays in January, April, July, and September of each year, file in the office of said Board of Supervisors a sworn statement in writing of the amount of fees, compensations, and percentages earned and collected by him or his deputies for official services during the three preceding calendar months. Any person holding more than one

office under this Act shall make a separate statement for each office. The Clerk of the Board of Supervisors of said county is hereby required to make an abstract of the amount of fees, compensation and percentage returned to him as having been earned and collected by the respective officers referred to in this Section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory, in the month of January in each year, to be by him filed, kept and preserved in his office as other public records and documents. Every county officer referred to in this Section who shall willfully fail or neglect to file his statement as required herein, shall be removed from his office by the Board of Supervisors of said county, and be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding five thousand dollars.

SEC. 6. Every county officer of the County of Maricopa, named in Section 3 of this Act, except the District Attorney, shall on the first Monday of each month, pay into the County Treasury of said county all money collected and received by himself, his deputies or clerks, for fees, commissions, compensation or percentage, for the official services of himself, his deputy or clerk, during the month next preceding, and take the receipt of the County Treasurer therefor, in duplicate, and shall forthwith file such duplicate receipt with the Clerk of the Board of Supervisors, who shall keep and preserve the same as permanent files of his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him as required by the provisions of this Section, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the Territorial Prison for a term of not less than one nor more than ten years.

SEC. 7. It shall be the duty of every officer required by this Act to pay the fees, commissions, compensation and percentage of his office as allowed and authorized by law into the County Treasury of Maricopa County, to collect all such fees, commissions, compensation and percentage in advance of the parties entitled to pay the same.

SEC. 8. The Board of Supervisors of said Maricopa County shall prescribe the number and compensation of all employes in and about the County Jail of said County, and shall allow and pay their claims in the same manner as other charges against the county.

SEC. 9. All moneys paid to the County Treasurer of Maricopa County by the county officers thereof under the provisions of this Act, shall be placed by said Treasurer in a fund to be known as the General Salary Fund, and all warrants drawn by the Board of Supervisors of said county for salaries as provided in this Act shall be drawn on said fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn, on demand the Board of Supervisors are hereby authorized to transfer to said fund from the General Fund of the county so much as may be necessary to pay said warrants, and if at any time there should be more funds on hand than is necessary to pay the salaries of county officers, the said surplus shall be transferred to the General Fund.

SEC. 10. The county officers of Maricopa County required by this Act to pay the fees of their respective offices into the treasury of said county, shall be entitled and required to demand, collect, and receive respectively the fees as now provided for each.

SEC. 11. This Act shall take effect and be in force from and after January 1, 1887.

Approved March 12, 1885.

No. 101.

AN ACT

To create and establish a County Court in the County of Apache, in the Territory of Arizona, define the jurisdiction, and prescribe the procedure thereof; to abolish the Probate Court, provide for the transfer of the jurisdiction to the County Court, and for other matters incidental thereto and connected therewith.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There is hereby established, and shall be in the County of Apache, in this Territory, a County Court, for which a County Judge, who shall be an attorney and counselor-at-law, and shall be a citizen of the United States and of this Territory, and shall have been a resident of the Territory

for at least two years next preceding his appointment or election, shall be elected by the qualified electors of the county, at the general election, to be held in the year 1886, and at each alternate general election thereafter. The County Judge shall hold his office for the term of four years from the first day of January next after his election. In case of a vacancy in the office, by death, removal from the Territory, resignation, or by impeachment or removal, or from any other cause, the Governor of the Territory is hereby empowered to, and shall appoint a County Judge, who shall have the qualifications required by this Section, to fill such vacancy, and at the next general election thereafter a County Judge shall be elected, to serve for four years from the first day of January next succeeding his election. Within one day after the passage of this Act, the Governor shall, by and with the advice and consent of the Council of this Thirteenth Legislative Assembly, appoint, under the provisions of this Act, a County Judge in and for said Apache County, who shall hold his office until the first day of January, A. D., 1887.

SEC. 2. The Recorder of Apache County shall be *ex officio* Clerk of the County Court, and he shall give such a bond to the county for the faithful performance of his duties in such sum as may be fixed by the Board of Supervisors of said county, to be not less than five thousand and not to exceed ten thousand dollars—said bond to be approved and filed the same as the bonds of the other county officers.

SEC. 3. The Sheriff of said Apache County, by himself or deputies shall attend all sessions of the County Court, and serve and execute all writs, processes, mandates, orders and judgments of said Court to the same extent and in the same manner as he is now in all other Courts and in all other cases required by law to do.

SEC. 4. Said County Court shall be a Court of Record, having a seal with the coat-of-arms of the Territory, and "County Court of Apache County, Arizona," sunk or engraved thereon, and said County Court shall have original, general, criminal jurisdiction, except as hereafter limited, and shall have equal concurrent common law, equitable and statutory jurisdiction with the District Courts in all cases. The County Court shall have original concurrent jurisdiction with the District Court in all cases of equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment toll or municipal

of said receipts with the said Clerk of the Board of Supervisors.

SEC. 10. The Probate Court of said Apache County shall continue to exist and retain and exercise the jurisdiction now and heretofore held and exercised by such Court and the Judge thereof, anything in this Act to the contrary notwithstanding, until the first day of January, A. D. 1887, at which time said Probate Court is hereby declared to be and shall be abolished, and the records, files, papers thereof, all causes and matters pending therein, and the jurisdiction then held and exercised by the said Probate Court and the Judge thereof shall be transferred to the County Court of said Apache County, and the said County Court shall thereupon and thereafter, without any lapse of jurisdiction of said causes or matters of jurisdiction so transferred, have, hold and exercise said jurisdiction, and proceed with all such causes and matters, and shall hear, determine and adjudge the same under the provisions of Chapters XXVI, XXVIII, XXIX, and all other Chapters of the Compiled Laws of Arizona, and of all other laws and all parts of Acts conferring jurisdiction upon the Probate Court or the Judge thereof, with the same powers, force, and effect as said Probate Court could and would exercise prior to the passage of this Act abolishing said Court and transferring its jurisdiction to the County Court as herein provided.

SEC. 11. The County Judge shall receive a salary of fifteen hundred dollars per annum. The County Clerk shall receive for his services as such County Clerk a salary of five hundred dollars per annum, and he shall not receive any other compensation whatever for his services as County Clerk other than the salary above named. The salary of the County Judge shall be paid quarterly by the County Treasurer of said Apache County, out of the Salary Fund of said County Treasury and in the same manner as other county salaries are paid. The salary of the County Clerk and *ex officio* Clerk of the Board of Supervisors shall be paid monthly by the County Treasurer out of the Salary Fund of the County Treasury, in the same manner as other county salaries are paid.

SEC. 12. It shall be the duty of the Board of Supervisors of said Apache County to provide a suitable room for the holding of said County Court, together with suitable furniture therefor, and they shall also provide a suitable office for the chambers of said Judge, and a suitable office for said County

Clerk, together with the necessary furniture and stationery therefor.

SEC. 13. Said County Judge may appoint a short-hand reporter, who shall be the reporter of said Court. It shall be the duty of said reporter to report all criminal cases tried in said Court which the Judge may order to be reported, and he shall receive such compensation therefor as said Judge may deem proper, to be paid by the County Treasurer out of the Salary Fund, upon the written order of the County Judge; *provided, however*, that said reporter shall not receive more than eight dollars per day for reporting, nor more than fifteen cents per folio of one hundred words for transcribing.

SEC. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 15. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 102.

AN ACT

Amendatory of an Act entitled "An Act amendatory to Chapter XXXIII of Compiled Laws of Arizona Territory, to provide revenue for the Territory of Arizona and the several Counties thereof," approved March 10, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 8 of an Act entitled "An Act amendatory to Chapter XXXIII of compiled Laws of Arizona Territory, to provide revenue for the Territory of Arizona and the several counties thereof, approved April 12, 1875," approved March 10, 1881, be and the same is amended so as to read as follows:

"§ 8. The owner or person in possession of any real estate offered for sale for taxes due thereon, may designate in writing to the County Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole, but if

the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including one dollar for the duplicate certificate of sale to the purchaser, and the County Recorder's fee for filing same in his office, shall be declared the purchaser. But in case there is no purchaser in good faith for the same, as provided for in this Section, on the first day the property is offered for sale, then, when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the Territory as the purchaser, and the duplicate certificate delivered to the County Treasurer and filed by him in his office. No charge shall be made for the duplicate certificate or for filing the same in the Recorder's office, except as hereinafter provided, when the Territory is the purchaser, and in such case the the County Collector shall make an entry, 'sold to the Territory,' on the duplicate assessment book, opposite the tax, and he shall be credited with the amount thereof in his settlement made pursuant to this Act."

SEC. 2. That Section 11 of said Act, approved March 10, 1881, be and the same hereby is amended so as to read as follows:

§ 11. On filing the certificate with the County Recorder, the lien of the Territory vests in the purchaser, and is only divested by the payment to him, or to the County Treasurer for his use, of the purchase money and costs mentioned in Section 8 of this Act, and thirty per cent on the amount thereof. Where the Territory is the purchaser of the property so redeemed, the Treasurer shall pay the costs so collected over to the officers entitled to the same under the provisions of said Section 8.

SEC. 3. That Section 15 of said Act, approved March 10, 1881, be and the same is hereby amended by adding thereto the following proviso, viz: "*Provided*, that when the Territory is the purchaser, and no person has redeemed the property during the time allowed for its redemption, the Collector shall execute and acknowledge a deed to the Territory of such property, and deliver the same to the Chairman of the Board of Supervisors, without charge, and it shall be the duty of the County Recorder, without fee, to record the same."

SEC. 4. That said Act amendatory to said Chapter XXXIII, and approved March 10, 1881, be and the same is hereby further amended by adding thereto the following Sections, viz:

§ 15 a. That it shall be the duty of the Board of Supervisors of each county of this Territory, on or before the first Monday of November, in each year, to prepare a list of the real estate held by the Territory, by tax deed, and situate in their respective counties, under the provisions of this Act, giving a full and intelligent description of each tract, together with the name of the former owner thereof, if known, and the total amount of taxes, penalties and costs, including the unpaid charges of the Collector and Recorder, for which said deed was given to each tract described, and advertise the same for sale at private sale at their office, by publication of said list at least once a week for two months, or oftener if the Board so direct, in some daily or weekly newspaper published in the county, and having the largest circulation in said county, of any paper therein published; and by posting the said list in two or more public places in each election precinct wherein any of said real estate is situated, and by keeping such notice and list, as revised from time to time continuously posted in the Supervisors' office, and Sheriff's office, and at the front door of the Court-house of the county.

§ 15 b. That it shall be the duty of the Board of Supervisors from time to time, and as purchasers therefor may present themselves to sell the real estate thus held by the Territory for such sums of money as they shall be able to obtain therefor, not less, for each tract, than the amount charged against the same in the advertised list thereof under the provisions of the preceding Section, with interest added thereto at the rate of ten per cent per annum, and shall make, execute and acknowledge by the Chairman and Clerk of said Board under the official seal thereof, and deliver to the purchaser thereof, at his cost, a deed conveying to him the title of the Territory in and to the tract so purchased. The purchase money thus received by the Board of Supervisors shall be paid over by them to the County Treasurer who, after deducting and paying therefrom the several amounts due on such tract to the County Collector and County Recorder, shall distribute and credit the same to the several funds entitled thereto.

§ 15 c. That in the event that any of the real property thus held by the Territory, under tax deed, shall be improved and occupied adversely to the title of the Territory, the Board

of Supervisors wherein such property is situated may in their discretion direct the District Attorney of the county to enter suit in the name of the Territory for the possession of the same, and it shall be the duty of said District Attorney to enter such suit and prosecute the same to the final determination thereof. And all costs incurred in such suits shall be a proper charge against the county wherein said property is situated.

§ 15 d. That the Board of Supervisors shall have complete control and supervision over all real property held by the Territory under the provisions of this Act within their respective counties, and full power and authority to lease the same and receive the rents thereof, and to make such property profitable in any manner they may deem advisable.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 103.

AN ACT

To repeal an Act entitled "An Act authorizing the Board of Supervisors of Pima County to fix the salary of their Clerk," approved February 6, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That an Act entitled "An Act authorizing the Board of Supervisors of Pima County to fix the salary of their Clerk," approved February 6, 1883, be and the same hereby is repealed.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved, March 12, 1885.

No. 104.

AN ACT

To provide that the provisions of an Act entitled "An Act regulating the herding of sheep shall not apply to the County of Apache."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That from and after the passage of this Act the provisions of an Act entitled "An Act regulating the herding of sheep," approved February 13, 1875, shall not apply to the County of Apache in the Territory of Arizona.

SEC. 2. That the provisions of the Act mentioned in Section 1 of this Act, so far as the name applies to Apache County, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 105.

AN ACT

To create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and prescribe the salaries and duties of certain county officers of the County of Yavapai.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be elected in and for the County of Yavapai, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 2. Within nine months after the passage of this Act, it shall be the duty of the Governor of the Territory of Arizona to appoint a County Assessor in and for said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his

of Supervisors wherein such property is situated may in their discretion direct the District Attorney of the county to enter suit in the name of the Territory for the possession of the same, and it shall be the duty of said District Attorney to enter such suit and prosecute the same to the final determination thereof. And all costs incurred in such suits shall be a proper charge against the county wherein said property is situated.

§ 15 d. That the Board of Supervisors shall have complete control and supervision over all real property held by the Territory under the provisions of this Act within their respective counties, and full power and authority to lease the same and receive the rents thereof, and to make such property profitable in any manner they may deem advisable.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 103.

AN ACT

To repeal an Act entitled "An Act authorizing the Board of Supervisors of Pima County to fix the salary of their Clerk," approved February 6, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That an Act entitled "An Act authorizing the Board of Supervisors of Pima County to fix the salary of their Clerk," approved February 6, 1883, be and the same hereby is repealed.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved, March 12, 1885.

No. 104.

AN ACT

To provide that the provisions of an Act entitled "An Act regulating the herding of sheep shall not apply to the County of Apache."

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That from and after the passage of this Act the provisions of an Act entitled "An Act regulating the herding of sheep," approved February 13, 1875, shall not apply to the County of Apache in the Territory of Arizona.

SEC. 2. That the provisions of the Act mentioned in Section 1 of this Act, so far as the name applies to Apache County, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 105.

AN ACT

To create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and prescribe the salaries and duties of certain county officers of the County of Yavapai.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There shall be elected in and for the County of Yavapai, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 2. Within nine months after the passage of this Act, it shall be the duty of the Governor of the Territory of Arizona to appoint a County Assessor in and for said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his

office, shall execute a bond to the Territory of Arizona in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors of the county.

SEC. 3. The condition of such bond shall be in substance as follows:

WHEREAS, the above bounden..... hath been elected to the office of County Assessor of the County of Yavapai; *now, therefore*, the condition of the above obligation is such that if the said..... shall well, truly, and faithfully in all things perform and execute the office of County Treasurer of said County of Yavapai during his continuance in office, without fear or favor, fraud, deceit, or oppression, and shall pay over all moneys that may come into his hands as such County Treasurer, then the above obligation to be void, otherwise to remain in full force and effect.

SEC. 4. It shall be the duty of the County Assessor, created by this Act, to perform all the functions heretofore imposed upon and performed by the Sheriff of said County of Yavapai when acting as Assessor, and to collect all personal property and poll taxes as have heretofore been collected by the Sheriff as Assessor.

SEC. 5. The County Assessor of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies, pursuant to this Act, the following salary per annum and none other, to be paid whenever the duties of making the assessment of the property is completed in each year, to wit: fifteen hundred dollars, one dollar for each bond taken for the payment of personal property tax, and twenty-five cents for each poll tax collected, but the incumbent of said office, first appointed as provided in Section 2 of this Act, shall receive no compensation prior to January 1, 1886.

SEC. 6. The County Treasurer of the County of Yavapai, shall be *ex officio* Tax Collector in and for the said county, and shall perform all the duties heretofore imposed upon the Sheriff of the said county as *ex officio* Tax Collector in the collection of taxes listed upon the tax roll, and it shall be his duty to proceed to collect the taxes therein mentioned, and for that purpose, shall post notices in three conspicuous voting precincts in the county, notifying the taxpayers that their

taxes for the current year are due and payable, at the office of the Tax Collector of the county, and must be paid on or before the third Monday of December following, under a penalty of five per cent to be added thereto, and shall also publish a like notice in a newspaper published within the county, once a week for eight weeks prior to said third Monday of December, which said notices shall constitute a lawful demand for the taxes charged against each person on the tax roll.

SEC. 7. It is hereby made the duty of the Board of Supervisors of the County of Yavapai to provide safe and suitable vaults for the deposit of all county moneys, and the duty of the County Treasurer and *ex officio* Tax Collector to keep all of said moneys therein. If the County Treasurer and *ex officio* Tax Collector shall keep any moneys of the county in a private bank or other private place of deposit, or loan or use said moneys for his own gain or the gain of another, he shall be deemed guilty of a felony, and upon conviction, he shall be punished by imprisonment in the Territorial prison for a term not less than one year nor more than ten years.

SEC. 8. The County Treasurer and *ex officio* Tax Collector of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies as Treasurer and *ex officio* Tax Collector a salary of \$3,000 per annum, in lieu of all percentage heretofore allowed to be paid, in quarterly installments at the end of each quarter.

SEC. 9. The Sheriff of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies, except as hereinafter provided in this Section, the salary of \$8,000, per annum, to be paid in quarterly installments; *provided, however*, he shall in addition to the salary above established, receive for his own use all rewards paid to him for the apprehension, arrest or conviction of criminals, and in case said Sheriff shall render other services outside of his county, or in the transportation of convicts to the Penitentiary, the Board of Supervisors must allow him the amount of his actual expenses and the same shall be paid from the General Fund of the County, and the Board of Supervisors may, in the case of riot or other extraordinary emergency allow and pay the Sheriff for such additional help as may be required to perform the work of his office to the satisfaction of the people; *provided further*, that said Sheriff shall receive for each and every mile actually and necessarily traveled within his county by himself or his deputies in the discharge

of his duties as Sheriff in any criminal case, mileage at the rate of twenty cents per mile for each and every mile actually and necessarily traveled, to be paid out of the General Fund of the county, as other claims against the county are paid; and said Sheriff shall further receive and retain for his own use all amounts paid to him as mileage in any civil case as is now provided by law.

SEC. 10. The County Recorder of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies in lieu of fees the salary of \$3,000 per annum, to be paid in quarterly installments at the end of each quarter.

SEC. 11. The District Attorney of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies in lieu of all fees the salary of \$3,000 per annum, to be paid in quarterly installments at the end of each quarter; *provided, however*, that whenever requested by any Justice of the Peace distant from the county seat to appear and prosecute on behalf of the people any charge of felony, he shall be allowed mileage at the rate of fifteen cents per mile for every mile necessarily traveled, by the most practicable route, to be paid from the General Fund as other claims against the county are paid.

SEC. 12. The Clerk of the District Court of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the salary of \$2,500 per annum, to be paid in quarterly installments at the end of each quarter.

SEC. 13. The Probate Judge of the County of Yavapai shall receive to his own use as full compensation for all services rendered by him as Judge of the Probate Court, *ex officio* County Superintendent of Public Schools, and as Clerk of the Probate Court, including all services rendered by deputies, the salary of \$2,000 per annum, to be paid in quarterly installments at the end of each quarter.

SEC. 14. Nothing in this Act contained shall be so construed as to take away or affect the right of any officer herein mentioned from demanding, collecting, and receiving the fees of his office now or hereafter allowed by law, and paying the same into the County Treasury, as hereinafter required; *provided, however*, that no officer shall charge against said County

of Yavapai, nor shall said county allow or pay any fee or per diem other than the salaries provided for by this Act.

SEC. 15. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, and Clerk of the Probate Court of the County of Yavapai, authorized by law to receive any fees, compensation, or percentage for official services of himself or deputy, or deputies, shall keep a fee-book, in which he shall enter an exact and full account in detail of all fees, commissions, or compensations, and percentages, of whatever nature or kind by him or his deputies earned and collected, with the date, the name of the payer, and the nature of the service in each case. Immediately after the close of his official term, he shall deposit said book in the office of the Clerk of the Board of Supervisors of said County of Yavapai. On the first Monday in January, April, July, and September, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors a sworn statement, in writing, of the amount of fees, commissions, compensations, and percentages earned and collected by him or his deputies for official services during the three calendar months ending on the last day of the previous month. If any person occupying any of said offices shall hold more than one office, he shall keep a separate fee-book for each office, and shall make separate statements for each. The Clerk of the Board of Supervisors of the County of Yavapai is hereby required to make an abstract of the amount of fees, compensation, and percentage returned to him as having been earned and collected by the respective officers named in this section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory in the month of January of every year, to be by him filed, kept, and preserved in his office for the inspection of the public, Territorial officers, and the Legislative Assembly, as other public records and documents. Every officer mentioned in this section who shall willfully fail or neglect to file such statement as required by this section, shall be removed from his office by the Board of Supervisors and be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding five thousand dollars.

SEC. 16. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, Clerk of the Probate Court, of the County of Yavapai, shall on the first Monday of each month in each year, pay into the County Treasury of the said County of Yavapai all money collected and received by them severally for fees, commissions, compensation or percentage, of their

several offices during the month next preceding, and take the receipts of the County Treasurer in duplicate therefor, and forthwith file such duplicate receipts with the Clerk of the Board of Supervisors. Said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors upon file in his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him as required by the provisions of this section shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the Territorial Prison for a term not less than one nor more than ten years.

SEC. 17. It shall be the duty of every officer mentioned in the last two preceding sections of this Act to collect in advance all fees, commissions, compensation, and percentage allowed and authorized by law.

SEC. 18. The Board of Supervisors of the County of Yavapai shall prescribe the number and compensation of all employees in and about the County Jails of the county, and shall allow and pay the said employees in the same manner as other charges against the county are allowed and paid.

SEC. 19. All fees paid to the County Treasurer by virtue of this Act shall be by him placed in a fund to be known as the "General Salary Fund;" and all warrants drawn by the Board of Supervisors for salaries, as provided in this Act shall be drawn on said Salary Fund, and if at any time the amount of money in said fund is insufficient to pay the warrant so drawn upon demand, the Board of Supervisors are hereby authorized to transfer from the General Fund of the county to said Salary Fund so much money as may be necessary to pay said warrants.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after January 1, 1886, except Sections 1, 2, and 3, which shall take effect from and after its passage.

Approved March 12, 1885.

No. 106.

AN ACT

To create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and prescribe the salaries and duties of certain County officers of the County of Graham.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. There shall be elected in and for the County of Graham, Territory of Arizona, at the next general election, and at every general election thereafter, a County Assessor, who shall hold his office for the term of two years, and until his successor is duly elected and qualified.

SEC. 2. Within thirty days after the passage of this Act it shall be the duty of the Governor of the Territory to appoint a County Assessor in and for said county, who shall hold the office of County Assessor in and for said county until January 1, 1887, and until his successor is duly elected and qualified, who, before entering upon the discharge of the duties of his office, shall execute a bond to the Territory of Arizona in the penal sum of ten thousand dollars, with two or more sufficient sureties, to be approved by the Board of Supervisors of said county.

SEC. 3. The condition of said bond shall be in substance as follows: "Whereas, the above bounden (insert name of Assessor) hath been elected (or appointed as the case may be) to the office of County Assessor of the County of Graham. Now, therefore, the condition of the above obligation is such that if the said shall well, truly and faithfully in all things perform and execute the duties of the office of County Assessor of said County of Graham during his continuance in office, without fear or favor, fraud, deceit or oppression, and shall pay over all moneys that may come into his hands as such County Assessor, then the above obligation to be void; otherwise to remain in full force and effect."

SEC. 4. It shall be the duty of the County Assessor created by this Act, to perform all the functions heretofore imposed upon and performed by the Sheriff of the County of Graham when acting as Assessor, and to collect all poll taxes as have heretofore been collected by the Tax Collector.

SEC. 11. The District Attorney of said County of Graham shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit: the sum of twenty-five hundred dollars. *Provided, however,* that whenever required by any Justice of the Peace, distant from the county seat, to appear and attend any preliminary examination before such Justice, he shall be allowed mileage at the rate of twenty cents per mile, for every mile necessarily traveled, by the most practicable route, to be paid from the General Fund as other claims against the county are paid.

SEC. 12. The Clerk of the District Court of said County shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid quarterly in installments at the end of each quarter, to wit: the sum of.....dollars.

SEC. 13. The Probate Judge of said Graham County shall receive to his own use as full compensation for all services rendered by him as Judge of the Probate Court, *ex officio* County Superintendent of Public Schools, and as Clerk of the Probate Court, including all services rendered by deputies, the following salary per annum, to be paid in quarterly installments at the end of each quarter, to wit, the sum of one thousand dollars.

SEC. 14. Nothing in this Act shall be so construed as to take away or affect the right of any officer herein mentioned from demanding, collecting, and receiving the fees of his office, now or hereafter allowed by law, and paying the same into the County Treasury, as hereinafter required; *provided, however,* that no officer shall charge against said Graham County, nor shall said County of Graham allow or pay any fee, percentage, or per diem other than the salaries provided for by this Act.

SEC. 15. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, and Clerk of the Probate Court of said Graham County shall each keep a fee-book in which he shall enter an exact and full account in detail of all fees, mileage, commissions, or compensations, and percentages, of whatever nature or kind, by him or his deputies earned and collected, with the date, the name of the payer, and the nature of the service in each case. Immediately after the close of his

official term, he shall deposit said book in the office of the Clerk of the Board of Supervisors of said County of Graham. On the first Monday in January, April, July, and September, respectively, in every year, he shall file in the office of the Clerk of the Board of Supervisors of said county, a sworn statement, in writing, of the amount of fees, commissions, compensations, and percentage earned and collected by him or his deputies for official services during the three calendar months ending on the last day of the previous month. If any person occupying any of said offices shall hold more than one office, he shall keep a separate fee book for each office, and shall make separate statements for each. The Clerk of the Board of Supervisors of said county is hereby required to make an abstract of the amount of fees, compensation and percentage returned to him as having been earned and collected by the respective officers named in this section, and shall forward the same, duly sworn and certified, to the Secretary of the Territory, in the month of January of every year, to be by him filed, kept and preserved in his office for the inspection of the public, Territorial officers, and the Legislative Assembly, as other public records and documents.

Every officer mentioned in this Section who shall willfully fail or neglect to file such statement as required by this Section, shall be removed from his office by the Board of Supervisors of said County of Graham, and be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding five thousand dollars.

SEC. 16. The Sheriff, Assessor, Recorder, Clerk of the District Court, Probate Judge, and Clerk of the Probate Court of said Graham County shall on the first Monday of each month in each year pay into the County Treasury of the said County of Graham, except as in this Act otherwise provided, all money collected and received by them severally for fees, commissions, compensation or percentage, of their several offices during the month next preceding, and take the receipts of the County Treasurer in duplicate therefor, and forthwith file such duplicate receipt with the Clerk of the Board of Supervisors. Said duplicate receipts shall be kept and preserved by the Clerk of the Board of Supervisors on file in his office. Every officer who shall willfully fail or neglect to pay over any money collected or received by him as required by the provisions of this Section shall be deemed guilty of a felony and, upon conviction thereof shall be punished by imprisonment in the Ter-

ritorial prison for a term of not less than one nor more than ten years.

SEC. 17. It shall be the duty of every officer mentioned in the last two preceding Sections of this Act to collect in advance all fees, commissions compensation and percentage allowed and authorized by law.

SEC. 18. The Board of Supervisors of said Graham County shall prescribe the number and compensation of all employees in and about the County Jail of said county, and shall allow and pay the said employees in the same manner as other charges against the county are allowed and paid.

SEC. 19. All fees paid to the County Treasurer of said Graham County by virtue of this Act shall be by him placed in a fund to be known as the "General Salary Fund," and all warrants drawn by the Board of Supervisors for salaries as provided in this Act, shall be drawn on said salary fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn, upon demand, the Board of Supervisors are hereby authorized to transfer from the general fund of the county to said salary fund so much money as may be necessary to pay said warrants. And if at any time the amount of money in said salary fund is more than sufficient to pay the warrants so drawn upon said fund the Board of Supervisors are hereby authorized to transfer such amounts as they may deem proper from said salary fund into the general fund of said county.

SEC. 20. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 21. This Act shall take effect and be in force from and after April 1, 1885, except Sections 1, 2, 3, 4 and 5 which shall take effect from and after its passage.

Approved March 12, 1885.

No. 107.

AN ACT

To create and establish a County Court in the County of Pima, in the Territory of Arizona, define the jurisdiction and prescribe the procedure thereof; to abolish the Probate Court, provide for the transfer of the jurisdiction to the County Court, and for other matters incidental thereto and connected therewith.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. There is hereby established and shall be in the County of Pima, in this Territory, a County Court, for which a County Judge (who shall be an attorney and counselor at law and shall be a citizen of the United States and of this Territory, and shall have been a resident of the Territory for at least two years next preceding his appointment or election) shall be elected by the qualified electors of the county, at a general election to be held in the year 1886, and at each alternate general election thereafter. The County Judge shall hold his office for the term of four years from the first day of January next after his election. In case of a vacancy in the office by death, removal from the Territory, resignation or by impeachment or removal, or from any other cause, the Governor of the Territory is hereby empowered to and shall appoint a County Judge, who shall have the qualifications required by this Section, to fill such vacancy, and at the next general election thereafter a County Judge shall be elected to serve for four years from the first day of January next succeeding his election. Within one day after the passage of this Act the Governor shall, by and with the advice and consent of the Council of this Thirteenth Legislative Assembly, appoint under the provisions of this Act a County Judge in and for said Pima County, who shall hold office until the first day of January, A. D. 1887.

SEC. 2. There shall be a County Clerk in and for said County of Pima, Territory of Arizona, who shall be elected at the general election to be held in 1886 and at each succeeding general election thereafter, who shall be the Clerk of the County Court and who shall also be *ex officio* Clerk of the Board of Supervisors of said Pima County, and who shall perform such other duties as may be hereafter imposed upon such office by law. In case of vacancy in said office from any

cause whatever, the Governor shall fill the same by appointment for the remainder of the unexpired term. The County Clerk shall hold his office for two years from the first day of January next after his election or appointment as herein provided. Within one day after the passage of this Act the Governor shall appoint, subject to confirmation by the Council of this Thirteenth Legislative Assembly, a County Clerk in and for said Pima County, who shall be a resident and elector of the county wherein he shall be appointed, and who shall hold his office until the first day of January, 1887. The County Clerk of said county shall give such bond to the Territory for the faithful performance of his duties in such sum as may be fixed by the Board of Supervisors of said county, to be not less than five thousand and not to exceed ten thousand dollars; said bond to be approved and filed the same as the bonds of other county officers.

SEC. 3. The Sheriff of said Pima County, by himself or deputies, shall attend all sessions of the County Court, and serve and execute all writs, processes, mandates, orders and judgments of said Court to the same extent, and in the same manner, as he is now in all other Courts and in all other cases required by law to do.

SEC. 4. Said County Court shall be a court of record, having a seal with the coat-of-arms of the Territory, and "County Court of Pima County, Arizona," sunk or engraved thereon, and said County Court shall have original general criminal jurisdiction, except as hereafter limited, and shall have equal concurrent common law, equitable and statutory jurisdiction with the District Courts in all cases. The County Court shall have original concurrent jurisdiction with the District Court in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand or value of the property in controversy amounts to one hundred dollars or more, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage and all matters incidental thereto or connected therewith, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization, and to issue papers therefor. It shall have appellate jurisdiction in all cases

arising in Justices' and other inferior Courts in said County, in the same manner and to the same extent as is now allowed by law on appeals from such Courts to the District Court. It shall always be open (legal holidays and non-judicial days excepted), and its process shall extend to all parts of the Territory; *provided*, that all actions for the recovery of the possession of, quieting title to, or for the enforcement of liens upon real estate, shall be commenced in the County in which the real estate, or any part thereof affected by such action or actions, is situated. Said Court and the Judge thereof shall have power to issue writs of mandamus, certiorari, injunction, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in said County. Injunctions, writs of prohibition and habeas corpus may be issued and served on legal holidays and non-judicial days, and all Acts and parts of Acts granting and conferring jurisdiction to and upon the District Courts, and prescribing their civil and criminal procedure shall be and the same are made applicable to said County Court. Appeals shall be taken from the County Court to the Supreme Court of this Territory in the same manner and in the same cases as are now allowed by law in appeals from the District and Probate Courts to the Supreme Court.

SEC. 5. The County Judge and the County Clerk shall reside at the county seat of said Pima County, and neither said County Judge nor said County Clerk shall be absent from said Pima County more than sixty days during each calendar year, and any greater absence than is herein allowed shall render the office of the Judge or Clerk so absenting himself vacant; which vacancy shall within fifteen days thereafter be filled by appointment as herein provided.

SEC. 6. The County Judge shall have the power to appoint a Court Commissioner, who shall have all the powers now conferred by law on the Court Commissioners of the District Courts, and whose term of office shall last during the term of office of the County Judge making the appointment. The compensation, fees, or salary of the County Court Commissioner shall be the same as the compensation, fees or salary of the District Court Commissioner.

SEC. 7. When said County Judge is interested in any suit, matter or proceeding pending in his Court, or has been attorney or counsel therein, or is related to either party thereto, he shall cease to further act upon the case unless with the joint

consent of all parties appearing upon the record, and a change of venue to the most accessible County Court or District Court shall be granted, or some disinterested County Judge or District Judge shall be called in to hear and determine the case, and in either event full jurisdiction of the case shall vest in the Court or Judge hearing the same.

SEC. 8. Said County Judge shall be a magistrate of, for, and within his county to the same extent in the same cases and with the same powers granted by law to other magistrates. Said Judge shall not practice law in any of the Courts of this Territory; nor shall he have a partner in the practice of the law.

SEC. 9. The County Clerk may appoint one or more deputies, for whose acts he shall be responsible on his official bond. He shall keep such records, papers, and files of his Court as are required by law to be kept by the clerks of the District and Probate Courts, and shall perform in and for the County Court and the Judge thereof the same duties that are now required by law of the clerks of the District and Probate Courts in and for their respective Courts and Judges, and he shall receive the same fees therefor which are received by said clerks for similar services, and he shall pay said fees into the Salary Fund of the County Treasury at the end of each and every month, and he shall file therewith, with the County Treasurer a sworn statement in detail of the amount of fees received by him, and the sources and persons from whence and whom received during the past calendar month, and he shall file a duplicate of said sworn statement with the Clerk of the Board of Supervisors at the same time, and he shall at the same time take receipts in duplicate of such payment from the County Treasurer, and shall thereupon file one of said receipts with the said Clerk of the Board of Supervisors.

SEC. 10. The Probate Court of said Pima County shall continue to exist and retain and exercise the jurisdiction now and heretofore held and exercised by such Court and the Judge thereof, anything in this Act to the contrary notwithstanding, until the first day of January, A. D. 1887, at which time said Probate Court is hereby declared to be and shall be abolished, and the records, files, papers thereof, all causes and matters pending therein and the jurisdiction then held and exercised by the said Probate Court and the Judge thereof shall be transferred to the County Court of said Pima County, and

the said County Court shall thereupon and thereafter without any lapse of jurisdiction of any of said causes or matters or jurisdiction so transferred, have, hold and exercise said jurisdiction and proceed with all such causes and matters, and shall hear, determine and adjudge the same under the provisions of Chapters XXVI, XXVIII, XXIX and all other Chapters of the Compiled Laws of Arizona, and of other laws, Acts and parts of Acts conferring jurisdiction upon the Probate Court or the Judge thereof, with the same powers, force, and effect as said Probate Court could and would exercise prior to the passage of this Act abolishing said Court and transferring its jurisdiction to the County Court as herein provided.

SEC. 11. The County Judge and County Clerk shall receive no other compensation whatever than the annual salaries hereinafter prescribed, which salaries shall be as follows, to-wit: Said County Judge shall receive an annual salary of three thousand dollars per annum, and said County Clerk shall receive for his services as such Clerk and also in full payment for his services as Clerk of the Board of Supervisors, the sum of eighteen hundred dollars per annum. The salary of the County Judge shall be paid quarterly by the County Treasurer of said Pima County out of the Salary Fund of said County Treasury, and in the same manner as other county salaries are paid. The County Clerk and *ex officio* Clerk of the Board of Supervisors shall be paid monthly by the County Treasurer out of the Salary Fund of said county in the same manner as other county salaries are paid.

SEC. 12. It shall be the duty of the Board of Supervisors of said Pima County to provide a suitable room for the holding of said County Court, together with suitable furniture therefor, and they shall also provide a suitable office for the chambers of said Judge and a suitable office for said County Clerk, together with the necessary furniture and stationery therefor.

SEC. 13. Said County Judge may appoint a short-hand reporter who shall be the reporter of said Court. It shall be the duty of said reporter to report all criminal cases tried in said Court which the Judge may order to be reported, and he shall receive such compensation therefor as said Judge may deem proper, to be paid by the County Treasurer out of the Salary Fund upon the written order of the County Judge; *provided, however*, that said reporter shall not receive more

than eight dollars per day for reporting, nor more than fifteen cents per folio of one hundred words for transcribing.

SEC. 14. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 15. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 108.

AN ACT

To Incorporate the Arizona Industrial Exposition Association, and to make an appropriation in favor thereof.

WHEREAS, William A. Hancock, L. Fowler, C. H. Grey, Simeon Novinger, E. Rood, E. B. Kirkland, G. W. Ingalls, Philip K. Hickey, Wm. Isaac, and Hosea Greenhaw did, on the 14th day of May, 1884, form and incorporate a company under the corporate name of the Arizona Industrial Exposition Association, the certificate of the incorporation of which said company was duly filed in the office of the Secretary of the Territory of Arizona, and also in the office of the County Recorder of Maricopa County in the Territory of Arizona, which said company was incorporated for the purposes expressed in said certificate of incorporation; and

WHEREAS, the said association was incorporated for the better exhibition of the various products of the Territory of Arizona of every class and kind, and is for the best interests and good of the said Territory; and

WHEREAS, the powers conferred by the Act of the Legislature of the Territory of Arizona, entitled, "Of General Incorporations," are inadequate in several respects to the carrying out of the purposes of the said association in a proper manner,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Wilson W. Jones, C. H. Grey, Simon Novinger, Wm. A. Hancock, L. Fowler, E. Rood, E. B. Kirkland, G. W. Ingalls, Philip K. Hickey, Wm. Isaac, Hosea Green-

haw, J. E. Wharton, Pete R. Brady, W. W. Hutchinson, E. Cole, W. W. Wilkinson, A. H. Wormell, W. T. Wood, Geo. E. Loring, R. E. Farrington, J. M. Colton, E. Meyer, W. W. Houston, J. R. Loosley, J. M. Gibson & Son, A. F. McDonald, J. B. Montgomery, W. K. Meade, A. H. Stebbins, W. C. Pimm, Rosenthal Kutner, G. H. Kemper, Ira Stroud & Son, E. Gang, Goldman & Co., Sherman & Murphy, J. W. Crenshaw, Hill & Vigus, Jos. Thalheimer, Thos. King, John Eyrich, Henry Ryder, J. Y. T. Smith, F. A. Trittle, F. M. Murphy & Bro., T. J. Butler, T. W. Clanton, R. B. Todd, N. Meader, W. R. Morris, J. T. Alsap, Kern & Luke, J. T. Simms, Frank Wells, Acker & Walker, Smith Turner, George Churchill, J. E. Ayers, C. H. Knapp, Herrick & Co., D. H. Burtis, Henry Orme, C. A. Luke, Jasper M. Roundtree, C. P. Head, E. W. Wells, Hugo Richards, P. B. Brannen, P. B. Clark-Churchill, Wm. Zent, J. J. Hawkins, J. B. Hand, N. A. Moreford, J. M. Gregory, Henry Davenport, Jacob W. Davenport, J. J. Baker, W. T. Woods, Arizona Gazette Printing and Publishing Company, A. P. Fitzgibbon, Frank Cox, G. M. F. Herritt, Harry Wood, L. C. Hughes, Geo. McCarter, John Marion, Thos. Weeden, Arizona Miner, J. C. Martin, Chas. D. Reppy, Mohave Miner, A. E. Fay, D. L. Sayre, M. P. Romney, J. W. Sterrett, A. H. Hackney, J. W. Dorrington, W. A. Nash, Geo. A. Clum, Yuma Republican, E. Rood, Wm. Osborn, W. R. Morris, D. L. Murry, and their associates and successors, and all persons who may hereafter become the owners of shares in said association or company, be and they are hereby made a body corporate, under the corporate name and style of the Arizona Industrial Exposition Association, in which name they may have perpetual succession, and may purchase, hold, and acquire by any lawful means such real estate and personal property, and property of any and every kind, as shall be necessary and lawful in the carrying out of the purposes of said association as set forth in the preamble of this Act, and the certificate of incorporation of the said company or association, and the said association may use, sell, lease, let, mortgage, hypothecate, transfer, and convey, and may otherwise use and dispose of the same; and the said association, under its corporate name, may sue and be sued, plead and be impleaded, contract and be contracted with, and have and use a common seal, and the same may change at pleasure; and make all by-laws necessary for the government of the affairs of said association, and use and have all rights, powers, and privileges which are or may be necessary for them to have and use as a company incorporated for the purposes

herein stated and set forth in the said certificates of incorporation, it being the true intent and meaning of this Act to reincorporate the said Arizona Industrial Exposition Association, and give to the said association such increased powers as are necessary for the better carrying out of the purposes of the said association and to aid the same.

SEC. 2. As soon as practicable, after the passage of this Act, the Board of Directors of the said Arizona Industrial Exposition Association shall call a meeting of the stockholders of said association, to be held at the City of Phoenix, in the County of Maricopa. Notice of which said meeting shall be given by publication in some newspaper published in said County of Maricopa (Arizona), for at least ten days prior to said meeting, and at said meeting of the stockholders the question shall be submitted to said stockholders whether the said association shall accept the terms of this Act, and the reincorporation of the said association, and a vote by ballot shall be taken thereon, each share of stock entitling the holder thereof to one vote upon said proposition. The form of the ballot shall be, "Accept reincorporation," or "Reject reincorporation." If a majority of the votes shall be to "accept re-incorporation" the stockholders present shall then proceed to the election of thirteen directors of the said association by ballot, and the persons who shall receive a majority of all the votes cast shall be elected as directors of said company or association until the next election of directors, as provided by the by-laws of said association and until their successors shall be duly elected and qualified.

SEC. 3. Immediately after the adjournment of the said meeting of stockholders a certificate of the result of the vote on acceptance or rejection shall be made out, and be signed by the president of the company or the vice-president (acting) as such at said meeting and attested by the secretary under the seal of the corporation, which said certificate shall be forwarded to the Secretary of the Territory, who shall file the same in his office, and a copy of said certificate shall also be filed in the office of the County Recorder of Maricopa County, and if the said vote shall be in favor of accepting reincorporation, from and after the filing of said certificate in the office of the Secretary of the Territory, the said Arizona Industrial Exposition Association shall be duly incorporated under the provisions of this Act.

SEC. 4. As soon as practicable after adjournment of the said meeting of stockholders the Board of Directors elected at said meeting, or a majority thereof, shall meet at the office of the Company, and after taking the oath of office as required by law shall proceed to elect one of their number president of the association, and shall also elect at the same time one Vice-president for each county of Arizona, and shall cause a certificate of the election of said officers, showing who have been elected, to be drawn up and signed by said directors and attested by the secretary under the seal of the corporation, and shall transmit the same to the Secretary of the Territory, who shall file the same in his office.

SEC. 5. The Board of Directors of said company or Association shall consist of thirteen persons, each of whom shall be a stockholder in the association, and the said Board shall have all the powers and be subject to all the restrictions and qualifications prescribed in the Act of the Legislative Assembly of the Territory of Arizona entitled "Of General Incorporations," approved November 6, 1866, and known as Chapter LI of the Compiled Laws of Arizona, not expressly amended or extended in this Act.

SEC. 6. The sum of ten thousand (\$10,000) dollars is hereby appropriated and donated to the said Arizona Industrial Exposition Association, to be used as the Board of Directors of said association shall deem best for the promotion of the objects and purposes of the association, and the said sum is hereby directed to be paid from the General Fund of the Territory, in the manner and form following, and not otherwise: At any time during the year 1885, after the said Arizona Industrial Exposition Association shall have accepted reincorporation under the provisions of this Act, and shall have filed with the Secretary of the Territory the certificate of the election of president and vice-president as provided in Section 4, upon the order of the Board of Directors of the said Arizona Industrial Exposition Association, the president of said association shall demand of the Territorial Auditor a warrant to be drawn on the General Fund of the Territory for the sum of five thousand dollars, and with said demand (which shall be in writing) shall present to said Territorial Auditor a copy of the order of said Board of Directors directing said demand to be made, duly certified by the secretary of said association under the seal of said association, and upon receiving said demand and copy of said order the Territorial Auditor shall

draw his warrant on the General Fund of the Territory in favor of said Arizona Industrial Exposition Association, or its order, for the sum of five thousand dollars, and shall deliver the said warrant to the president of said association or company, and upon presentation of said warrant, duly endorsed by the president of said association, the Territorial Treasurer shall pay the said warrant as other warrants on said fund are paid.

SEC. 7. At any time during the year 1886, upon like demand as provided for in Section 6, the Territorial Auditor shall draw his warrant on the General Fund of the Territory in favor of said association, or its order, for the sum of two thousand five hundred dollars, which warrant shall be indorsed, presented, and paid, as provided in Section 6.

At any time during the year 1887, upon like demand as provided for in Section 6, the Territorial Auditor shall draw his warrant on the General Fund of the Territory in favor of said association, or its order, for the sum of two thousand five hundred dollars, which said warrant shall be paid upon presentation, as provided in Section 6.

SEC. 8. All of said warrants shall be numbered by the Territorial Auditor, and shall be paid by the Territorial Treasurer in their order, as other warrants on the General Fund are paid.

SEC. 9. No sums shall be paid to the said Arizona Industrial Exposition Association under the provisions of this Act, except those above specified—that is to say: In the year 1885, five thousand dollars, in the year 1886, two thousand five hundred dollars, and in the year 1887, two thousand five hundred dollars.

This Act shall take effect and be in force from and after its passage.

Approved March 12, A. D. 1885.

No. 109.

AN ACT

To amend an Act entitled "An Act to incorporate the City of Tombstone, to define its limits and rights, to specify its privileges, and powers, and provide for an efficient government for the same," approved February 21, 1881.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 5 of Article 2 of said Act be and the same is hereby amended so as to read as follows:

§ 5. The officers of the City of Tombstone shall be the Mayor and Common Council, one Councilman from each ward of said city now established or hereafter to be established; one Treasurer, who shall receive the monthly salary of fifty dollars per month; one City Attorney who shall receive the monthly salary of fifty dollars per month, and the same fees as are allowed District Attorneys for like services; one Chief of Police, who shall receive the monthly salary of one hundred and twenty-five dollars per month; one Auditor, who shall be *ex officio* Recorder, *ex officio* Clerk of the City Council, *ex officio* Clerk of the Board of Equalization, *ex officio* Clerk of the Board of Police Commissioners, and he shall receive in full compensation for all such services the monthly salary of ninety dollars; one Assessor, who shall be *ex officio* Tax and License Tax Collector, Health Officer and Street Commissioner, and shall receive a monthly salary of ninety dollars in full compensation for all services. There shall also be two policemen (regular), at a monthly salary of ninety dollars per month each, and as many additional policemen as the Board of Police Commissioners may think proper, and upon the recommendation of the Chief of Police, who shall receive the same salary as the regular policemen. All officers of said city not herein mentioned are hereby abolished, and all duties heretofore belonging or appertaining to the offices hereby abolished shall devolve upon the officers as above named. The Mayor, Councilmen, Treasurer, Attorney, Chief of Police, Auditor, and Assessor last elected and now in each of said offices shall continue to hold and occupy the same until the next general Territorial election and until their successors are elected and qualified, except the City Attorney, who was elected to his office for two years.

SEC. 2. The Auditor of the said City of Tombstone is hereby authorized and directed to draw warrants on the Salary Fund for each office in said Act mentioned, and for the amount specified in said Act, said warrants to be drawn on the first day of each month.

SEC. 3. All warrants drawn by the Auditor for salaries as provided for by this Act, shall be drawn on said Salary Fund, and if at any time the amount of money in said fund is insufficient to pay the warrants so drawn upon demand, the Mayor and Common Council of said city are hereby authorized and directed to transfer from the General Fund of said city to said Salary Fund so much money as may be necessary to pay said warrants.

SEC. 4. The Mayor and Common Council shall constitute the Board of Equalization, a majority of the members of which shall constitute a quorum, who shall have the same power and authority when sitting as a Board of Equalization as is by law conferred upon the Board of Supervisors of the County of Cochise, in relation to assessment and delinquent tax, and they may increase or decrease any such assessment as they may think proper. The Board of Police Commissioners shall consist of the Mayor and Common Council and Chief of Police, a majority of whom shall constitute a quorum.

SEC. 5. All Policemen shall be appointed by the Chief of Police and confirmed by the Board of Police Commissioners; the Chief of Police may, at any time, appoint as many special policemen as he may deem proper with the advice and consent of the Police Commissioners, or of any two members of said Board, and all such appointments shall not continue for a longer period than forty-eight hours from the time of such appointment.

SEC. 6. The annual assessment for tax purposes shall be made between the first day of March and the first day of May in each year, and the tax levied by said city shall become delinquent on the twenty-fifth day of July in each year. The Mayor and Common Council shall sit as a Board of Equalization between the first day of May and the first day of June in each year. Said city, in addition to the mode now prescribed for the collection of delinquent taxes, shall have the power to collect and enforce the collection and payment of such delinquent taxes, now due or hereafter to become due, by suit or action to be commenced in any Court

of competent jurisdiction in the name of "The Mayor and the Common Council of the City of Tombstone," and upon any judgment recovered in such suit or action by said city, it is hereby authorized and empowered to demand execution, under which execution the officer executing the same must immediately levy upon and sell any property of such judgment debtor, to be found in the County of Cochise, and the provisions of Chapter XLVIII., of the Compiled Laws of this Territory and the amendments thereto are hereby made applicable to proceedings in such suit or action, and the officer executing any writs or executions, in such suits, shall proceed as in said chapter provided for, other sales of property under execution, except, that no property of the judgment debtor, either real or personal, shall be exempt from such execution and forced sales for any judgment so recovered by said city for taxes due the same.

SEC. 7. In any and all actions commenced by the said city, as in the last Section provided for, the defendant shall not be allowed to set up or show any informality or irregularity in the levy or assessment of such taxes as a defense. The defendant being allowed to plead only :

First. That the taxes have been paid before suit ; or,

Second. That he was not the owner of and was not possessed of the property mentioned in the complaint at the time of the assessment, and has never been liable to pay, said taxes, as purchaser, incumbrancer or otherwise since such assessment was made, but no answer shall be filed in any such case unless the same be verified by the oath of the defendant.

SEC. 8. The Chief of Police shall serve all summons and all other process in any suit or action, or proceeding commenced by said City as above provided, and shall execute all writs and executions therein and make all sales thereunder, and do and perform all work or services required to be done or performed by any officer in any such suit or action, and to this end he is hereby authorized and empowered with the same authority as is vested in the Sheriff of Cochise County, and he shall be entitled to the same fees as the said Sheriff is allowed for serving process and making sales under executions, his said fees to be collected of the defendant in such action, and to be charged as costs therein, but in no case to have a charge against said City therefor.

SEC. 9. It shall be unlawful for the Mayor or Common Council of said City to purchase or sell any real estate without first having submitted the question of purchasing or selling such property to a vote of the qualified electors of the said City of Tombstone, and the said Mayor and Common Council are hereby empowered to call for a vote of said electors upon any and all such questions, such election to be governed by the laws of this Territory relating to general elections, as near as may be.

SEC. 10. The Recorder of said City shall not hear or enter into the trial of any cases before him without first notifying the City Attorney thereof.

SEC. 11. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 12. This Act shall take effect and be in force from and after the first day of April, A. D. 1885.

Approved March 12, 1885.

No. 110.

AN ACT

To provide for the payment of the expenses incurred by Douglass Gray, Commissioner for the Southern Counties of Arizona, and Frank M. Murphy, Commissioner for the Northern Counties of Arizona, at the National Mining and Industrial Exposition, held at Denver, Colorado, 1883, and the Inter-State Exposition of Chicago, Illinois, 1883.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the sum of one thousand dollars is hereby appropriated out of any money in the General Fund of the Territory of Arizona, not otherwise appropriated, to pay the claim of Douglass Gray.

SEC. 2. The Territorial Auditor is hereby directed to draw his warrant on the Territorial Treasurer for the sum of one thousand dollars in favor of Douglass Gray, and the Territorial Treasurer is hereby authorized to pay the same.

SEC. 3. And the Territorial Auditor shall also draw his warrant upon the Territorial Treasurer in favor of Frank M. Murphy, for one thousand dollars, upon his duly authenticated and sworn statement of expenditures, as Commissioner of the Territory at Denver and Chicago in 1883, of his private means in the Territory's behalf, and the same is hereby appropriated out of any money in the General Fund of the Territory not otherwise appropriated.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 111.

AN ACT

Authorizing a Board of Building Commissioners, to be known by the name of the "Graham School Commissioners," to erect a school building in the Town of Clifton, in said county, and for the issuance of bonds therefor.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. The Governor of the Territory of Arizona, by and with the advice and consent of the Legislative Council, is hereby authorized to appoint three "Commissioners," to be and who shall be known by the name and style of the "Graham School Commissioners," and said Commissioners are hereby authorized to enter upon the discharge of their duties as such Commissioners, upon taking the usual oath of office, and executing a bond, approved by the Board of Supervisors in and for said County of Graham [payable to the said County of Graham] with two or more sufficient sureties, in the penal sum of dollars, conditioned for the faithful performance of the duties of their office, which said bond, when so approved, shall be filed in the office of the Clerk of the Board of Supervisors.

SEC. 2. Immediately after the qualification of the said appointed Commissioners, as hereinabove provided, they shall be and become a "Board of Building Commissioners," and are hereby authorized to build and erect a "Public School Building" in the Town of Clifton, in said County of Graham, at a cost not to exceed the sum of eight thousand (\$8,000.00) dollars.

SEC. 3. The Board of Supervisors of the County of Graham is hereby authorized and required, and it is hereby made the duty of said Board, within forty days after the passage of this Act, to meet at the county seat of said County of Graham, and then and there to cause to be prepared, and to issue bonds upon the faith and credit and in the name of said County of Graham, payable in ten years after the date of said bonds, not to exceed in the aggregate the said sum of eight thousand dollars (\$8,000.00), with proper interest coupons attached, and bearing interest at the rate of eight per cent per annum; said interest payable annually on the third Monday of January in each and every consecutive year, at the office of the Treasurer of said County of Graham, up to and until such time as the said bonds are and shall have been fully redeemed and paid.

SEC. 4. The said bonds shall be made payable to bearer, and both principal and interest shall be made payable at the office of the County Treasurer of said County of Graham. All such bonds shall be first signed by the Chairman of the Board of Supervisors of said County of Graham, with his own proper name, affixing his official character, and shall be authenticated with the seal of said Board of Supervisors, and countersigned by the Treasurer of said County of Graham, and the said Chairman of said Board of Supervisors and said Treasurer of said county are hereby severally directed to sign and countersign, and affix the seal upon the said bonds, and the said bonds shall be substantially in the following form, viz:

Bond No.

Graham County School Building Bonds.

For value received, ten years after date, the County of Graham, in the Territory of Arizona, promises to pay to the bearer, one thousand dollars, with interest thereon at the rate of eight per cent per annum from date, according to the coupons hereto attached, said interest payable annually on the third Monday of January, in each and every consecutive year, at the office of the Treasurer of said County of Graham, both principal and interest payable in gold coin of the United States.

{ SEAL OF THE
BOARD OF SUPERVISORS. }

.....
Chairman Board of Supervisors.

.....
Treasurer Graham County.

And the said Treasurer of said County of Graham shall, in his official capacity, sign each of the coupons for the payment of the interest, which shall be so attached to said bonds, as in this Act provided.

SEC. 5. As soon as the said bonds shall have been prepared and executed in the manner and form in this Act provided they shall be delivered to the aforesaid Board of Building Commissioners, who shall make a register thereof containing the number, amount and date of each bond, which shall be preserved and kept in their office, and thereafter the said bonds are to be and may be sold by the said Board of Building Commissioners from time to time, as said Board may deem proper, at a price not less than ninety-five per cent of their par value, and the proceeds of all such sales of said bonds to be forthwith paid into the Treasury of said county, and therein to form and constitute a special fund to be called the "Building Fund of School District No. 3," and said proceeds and such fund to be used in the erection of the said public school building as herein provided, and the said Board of Building Commissioners shall render a verified account and report to the Board of Supervisors of said County of Graham of all bonds sold and the several amounts received therefor, and shall pay all such amounts to the Treasurer of said county, for the uses and purposes by this Act provided.

SEC. 6. After any of said bonds shall have been sold, and until all the bonds sold by virtue of this Act are redeemed, the said Board of Supervisors are hereby authorized and required, and it shall be their duty, in addition to the amount of taxes now or which may hereafter be authorized by law to be levied and collected for other county purposes, and at the same time and in the same manner that other taxes are levied and collected, to levy and collect, or cause to be collected, each year a special tax of "one-fourth of one per cent" on all taxable property in School District No. 3 of said County of Graham, with which to pay interest due or to become due on said bonds and to provide a sinking fund for the payment and redemption thereof, at such time and in such manner as the said Board of Supervisors may direct. The said taxes so levied and collected to be paid into the County Treasury of said county as are other taxes, and there to constitute a special fund for the payment of interest upon and the redemption of said bonds as herein provided.

SEC. 7. The County Assessor of the County of Graham at the time of making the yearly assessment of taxable property of said county, and in the same manner shall ascertain and enroll all taxable persons and property and assess the same at its proper value in said School District No. 3, and he shall make a like return of such assessment to the Clerk of the Board of Supervisors, as in case of the county assessment, and like action shall be taken in equalizing such assessment and the collection of taxes provided herein, as in the case of county and Territorial taxes. And if any of such taxes shall become delinquent the same proceedings shall be had as in the case of other delinquent taxes.

SEC. 8. It shall be the duty of the Treasurer of said County of Graham, after the payment of the yearly interest of said bonds as in this Act provided, to ascertain the balance remaining from the taxes so collected by virtue of this Act, and to set aside the same for a "Sinking Fund" for the redemption of said bonds, and whenever the said "Sinking Fund" shall amount to more than one thousand dollars, the said Treasurer shall apply the same to the payment of said bonds, according to the priority of the numbers thereof, after giving notice thereof to the holders of said bonds by publication in some newspaper of said county for a period of "thirty days," and such bonds shall cease to bear interest from the time of such notice.

SEC. 9. The bonds issued under the provisions of this Act shall be signed by the Chairman of the Board of Supervisors of said County and countersigned by the Clerk thereof, with the seal of said Board affixed thereto, and delivered to the Treasurer of said county and by him delivered to the said Board of Building Commissioners, as the same may be required by the said Board of Building Commissioners. And the said Treasurer of said county shall keep a register of said bonds showing the number and amount of each bond, and shall charge himself with the full amount received for all such bonds, and shall deliver to the said Board of Building Commissioners all such bonds or such part thereof as the said Board of Building Commissioners may require under the provisions of this Act.

SEC. 10. It shall be left to the discretion of said Board of Building Commissioners to sell, or cause to be sold, the said bonds, as herein provided, or to use the same in the payment of and for the erection and building of the said School

House Building, as the said Board of Building Commissioners may deem most advisable in carrying out the provisions of this Act; *provided*, that said bonds, nor the money arising from the sale thereof, shall not be used for any other purpose than is in this Act provided; *and provided, further*, that the printing of said bonds, and the expenses of the plans and specifications of said School Building may be paid out of the fund created by this Act, if the said Board of Building Commissioners shall so order and direct.

SEC. 11. Upon the payment by the Treasurer of any interest upon any of said bonds, he shall cancel and detach coupons equal to the amount so paid by him; and whenever said Treasurer shall pay any of said bonds, he shall cancel the same, noting thereon the date of such cancellation; and such coupons and bonds so canceled, as aforesaid, shall be the vouchers for the said Treasurer in his settlements with the Board of Supervisors as to his transactions under and by virtue of this Act.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 112.

AN ACT

To amend An Act entitled "An Act authorizing a Board of Building Commissioners, to be known by the name of the 'Graham School Commissioners,' to erect a school building in the town of Clifton, in said County, and for the issuance of bonds therefor," approved March 12, 1885.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 1 of An Act entitled "An Act authorizing a Board of Building Commissioners to be known by the name of the 'Graham School Commissioners,' to erect a school building in the town of Clifton, in said County, and the issuance of bonds therefor," approved March 12, 1885, be amended so as to read as follows: "The Governor of the Territory of Arizona, by and with the advice

and consent of the Legislative Council is hereby authorized to appoint three Commissioners to be and who shall be known by the name and style of the "Graham School Commissioners," and said Commissioners are hereby authorized to enter upon the discharge of their duties as such Commissioners, upon taking the usual oath of office, and executing a bond approved by the Board of Supervisors in and for said County of Graham, payable to the said County of Graham, with two or more sufficient sureties in the penal sum of five thousand dollars conditioned for the faithful performance of the duties of their office, which said bond, when so approved, shall be filed in the office of the Clerk of the Board of Supervisors.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 113.

AN ACT

Authorizing a loan on the faith and credit of the Counties of Maricopa and Yavapai, and to provide for the construction and repairs of a certain wagon road known as the Black Canyon Wagon Road, in said Counties.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of three thousand dollars is hereby authorized to be negotiated on the faith and credit of each of the said Counties of Maricopa and Yavapai, in the Territory of Arizona, to be paid as hereinafter provided, and to bear interest at the rate of seven per cent per annum.

SEC. 2. The Treasurers of the Counties of Maricopa and Yavapai are hereby authorized and directed when required by the Wagon Road Commissioners, hereinafter provided, to issue bonds of the said Counties of Maricopa and Yavapai, in the sums of two hundred and fifty, five hundred, and one thousand dollars each, payable as hereinafter stated, and not exceeding in the aggregate the sum of three thousand dollars to each of said Counties.

SEC. 3. Said bonds shall bear the date of their issuance and the bonds issued by the Treasurer of each county shall be numbered consecutively from one upward, and shall be signed by the Treasurer of the county so issuing in his official character, which signing shall bind the county making the issuance. Said bonds shall be drawn to the order of the Chairman of the Board of Supervisors of the county wherein the said bonds were issued, and indorsed by him in his official capacity, and shall have the seal of said Board affixed thereto. Coupons for the payment of the interest on said bonds shall be attached to each of said bonds, each bearing the corresponding number of said bonds, so that the same may be removed therefrom without mutilating the bonds, and each of said coupons shall be signed by the said County Treasurer in his official capacity and countersigned by said Chairman of Board of Supervisors.

SEC. 4. The interest on said bonds shall be paid annually on the second day of January of each year, at the office of the Treasurer of the county issuing the same, and the said bonds shall run and be payable in fifteen years from the issuance thereof.

SEC. 5. Each County Treasurer of the aforesaid counties of Maricopa and Yavapai shall keep a register of all bonds issued by him, and shall deliver said bonds to the Wagon Road Commissioners hereinafter provided, and said Commissioners shall sell and dispose of said bonds as hereinafter directed, at as high a rate as possible, and convert the said bonds into cash; *provided*, that no bonds shall be sold or disposed of by them for less than ninety cents on the dollar therefor.

SEC. 6. The Board of Wagon Road Commissioners shall consist of two persons, who shall constitute a quorum for the transaction of business, and Jacob Miller of Yavapai County and James Stewart of Maricopa County are hereby appointed said Commissioners, and they shall hold their office for two years and until their successors are elected or appointed. In case of a vacancy, the Board of Supervisors of the county wherein said vacancy may occur, shall appoint one or more, as may be required to constitute a full Board.

SEC. 7. It is hereby made the duty of said Wagon Road Commissioners within sixty days after the passage of this Act, to commence the survey, location, building, and repairing of said wagon road, and the location of said road shall commence

at or near the farm of N. Bowers, on the Agua Fria in the County of Yavapai, and shall run thence via Big Bug and Bumble Bee stations by the most practicable and direct route to the station known as the old Desert station on the Phoenix road in the County of Maricopa, and it shall be the duty of said Commissioners to prosecute the work of building and repairing said road to completion as speedily as possible.

SEC. 8. The said Board of Wagon Road Commissioners are hereby authorized in the construction and repairing of said road to employ laborers by the day or month, to perform the same, or to let the same by contract, as they may deem best, and the grade of said road shall be made in the most substantial manner and of sufficient width to enable freight and other teams to safely pass at proper places.

SEC. 9. Each of said Wagon Road Commissioners, before entering upon the duties of the office, shall give bonds in the sum of \$3,000, with two or more sufficient sureties, to the Territory, conditioned with the faithful performance of the duties of the office, which shall be approved by the Board of Supervisors of the county wherein said Commissioner resides, and the said bond to be filed in the office of the Treasurer of that county.

SEC. 10. Said Commissioners shall receive a compensation of four dollars per day when actually employed as such Commissioners, and this shall be in full compensation for said services.

SEC. 11. It shall be the duty of said Wagon Road Commissioners to keep a correct account of all expenses incurred in the construction and repairs of said road, and as soon as said road is completed to make a full report in duplicate of the same and of the money received from the sale of said bonds, to each of the Boards of Supervisors of said counties of Maricopa and Yavapai.

SEC. 12. It is hereby made the duty of the Board of Supervisors of the aforesaid counties of Maricopa and Yavapai, at the time of levying the annual taxes, to estimate what sum will be required to meet the interest for the fiscal year on the then outstanding bonds authorized to be issued by this Act, and after making proper allowances for delinquencies in taxpayers, to levy a tax sufficient to pay such interest, and in the year 1899, the said Boards of Supervisors, at the time of levying the said annual taxes for their respective counties, shall

levy a tax sufficient to pay the principal of said bonds, in addition to the interest aforesaid; *provided*, That all surplus moneys arising from said levies shall be paid by the Treasurer of the county having such surplus, into the General Fund of that county, to be disbursed as other moneys in said fund.

SEC. 13. The bonds shall have interest coupons attached to each of them, and whenever either any interest coupon or any bond that shall have become due is presented for payment to the Treasurer of the county issuing said bonds, he shall pay the same without further order or voucher, and shall write the word "Canceled" on the face thereof, which said canceled coupons or bonds shall be the Treasurer's vouchers for the payment of the same.

SEC. 14. If the Commissioners fail to dispose of the bonds of either county within one year as provided in this Act, then this Act shall be null and void and of no effect.

SEC. 15. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 114.

AN ACT

To provide for the construction of a certain wagon road in Maricopa County.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That a loan of twenty-five hundred dollars is hereby authorized to be negotiated on the faith and credit of the County of Maricopa, in the Territory of Arizona, to be paid as hereinafter provided, and to bear interest at the rate of seven per cent per annum.

SEC. 2. The County Treasurer of the County of Maricopa is hereby authorized and directed, when called upon by the Board of Supervisors of said Maricopa County, to issue bonds of the County of Maricopa, of the denomination of five hundred dollars each, payable in ten years from the date thereof, and not exceeding in the aggregate the sum of twenty-five hundred dollars.

SEC. 3. Said bonds shall bear the date of their issuance, and shall be numbered consecutively from one upwards, and shall be signed by the Treasurer of said County of Maricopa, in his official character, which signing shall bind the County of Maricopa. Said bonds shall be drawn payable to the order of the Chairman of said Board of Supervisors of Maricopa County, and shall be indorsed by him in his official character, and shall bear the seal of the Board of Supervisors affixed thereto. Coupons for the payment of the interest on said bonds shall be attached to each of said bonds, so that the same may be removed therefrom without mutilating the bonds, and each of said coupons shall bear the number of the bond to which it is attached, and shall be numbered from one to ten consecutively.

SEC. 4. The interest on said bonds shall be paid annually, on the second day of January of each year, at the office of the County Treasurer of Maricopa County.

SEC. 5. The County Treasurer shall keep a register of said bonds, and shall deliver the same to the Board of Supervisors of Maricopa County, and the Board of Supervisors shall sell and dispose of said bonds as hereinafter directed.

SEC. 6. Within forty days after the passage of this Act, the Board of Supervisors of Maricopa County shall give notice by publication in some newspaper published in said county, for at least twenty days, that sealed proposals will be received by them for the purchase of said bonds, at the place and on the day and hour named in said notice, and at the time and place appointed in said notice the said Board of Supervisors shall open all proposals received by them, and shall award the purchase to the highest responsible bidder; *provided*, that said Board of Supervisors may reject any and all bids; *and provided, further*, that no bonds shall be sold for less than ninety-five cents on the dollar of their par value.

SEC. 7. It is hereby made the duty of said Board of Supervisors of Maricopa County, at the time of levying the annual taxes, in the year 1885, and for ten years thereafter, to estimate what sum will be required to meet the interest for the fiscal year on the then outstanding bonds authorized by this Act to be issued, and to levy a tax sufficient to pay such interest. And in the year 1894, and annually thereafter, the said Board of Supervisors, at the time of levying the said annual taxes, shall levy a tax sufficient to pay, in

addition to the interest aforesaid, fifty per cent of the amount of said bonds, to the end and intent that the whole of said bonds shall be paid on or before the year 1895, and all taxes levied under the provisions of this Act shall be levied and collected as other taxes are levied and collected, and when any of said money so authorized to be levied and collected shall be paid to the County Treasurer, he shall place the same in a fund to be known as the Wagon Road Fund of 1885.

SEC. 8. The County Treasurer shall pay the interest on said bonds when due, taking the coupons as his voucher therefor, and shall write the word "canceled" on the face thereof, and whenever the said County Treasurer shall have in said fund a sufficient amount of money to pay one or more of said bonds, he shall give notice for ten days in some newspaper published in said county that he is ready to pay one or more of said bonds, giving the lowest number thereof, commencing with the lowest number then outstanding, and such bonds shall not draw or bear any interest after ten days from the first publication of said notice, and any money being in said fund, more than sufficient to pay the full amount of one or more bonds, shall be paid and indorsed upon the next succeeding bond, and the Treasurer shall take from the person owning or holding the bond upon which such partial payment is made, a receipt, showing the number of the bond, and the amount paid, which receipt shall be his voucher for such payment. Any money remaining in said fund after paying the whole of the principal and interest of said bonds, shall be transferred to the General Fund of the county.

SEC. 9. It is made the duty of the Board of Supervisors, within sixty days after the passage of this Act, to cause to be located and laid out, and immediately thereafter to commence the building of a wagon road, commencing at the point of the mountain on the Black Canyon road, about twelve miles north of the city of Phoenix, in Maricopa County, and running thence northerly to the Winafred Mining District; thence east of north to the Golden Fleece quartz-mill on Cave Creek; from thence continuing in a northerly direction to Wood's stock ranch; from thence to the Phoenix Mine on Cave Creek, and from thence to Crane Mountain.

SEC. 10. The said Board of Supervisors are hereby authorized, in the construction of said wagon road, to employ laborers by the day or month, under a competent superintendent, to perform the same, or to let the same by contract, as they may

deem best; *provided*, that no more money shall be used in the construction of said wagon road by said Board of Supervisors than shall be realized from the sale of the bonds herein provided for.

SEC. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 115.

AN ACT

To fill vacancies in the office of Probate Judge.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Whenever any vacancy shall occur in the office of Probate Judge in any of the counties of this Territory, said vacancy shall be filled by appointment by the Chairman of the Board of Supervisors, the Treasurer, and the District Attorney of the county in which such vacancy occurs.

SEC. 2. Upon the appointment of any person to fill a vacancy in the office of Probate Judge the Chairman of the Board of Supervisors in the county in which the vacancy may occur and said appointment be made, shall at once notify the Clerk of the Board of Supervisors of said appointment, and said Clerk shall immediately make out and deliver to the person appointed a certificate of his appointment.

SEC. 3. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 116.

AN ACT

To provide for the repairing of Wagon Roads, from Tonto Basin to Fort Verde in Yavapai County, Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of six thousand dollars (\$6,000) is hereby authorized to be negotiated on the faith and credit of the County of Yavapai, in the Territory of Arizona, to be paid as hereinafter provided for, and to bear interest at the rate of eight per cent per annum.

SEC. 2. The County Treasurer of the County of Yavapai is hereby authorized and directed, when called upon by the Wagon Roads Commissioners hereinafter provided, to issue bonds of the County of Yavapai, in sums of one thousand dollars each, payable as hereinafter stated, and not exceeding in the aggregate the sum of six thousand dollars.

SEC. 3. Said bonds shall bear the date of their issuance and be numbered consecutively from one upward, and shall be signed by the said County Treasurer in his official character, which signing shall bind the County of Yavapai. Said bonds shall be drawn to the order of the Chairman of the Board of Supervisors of said County of Yavapai, and be indorsed by him in his official character and shall have the seal of said Board affixed thereto, coupons for the payment of the interest on said bonds shall be attached to each of said bonds so that the same may be removed therefrom without mutilating the bonds, and each of said coupons shall be numbered properly and shall be signed by the said County Treasurer and countersigned by the said Chairman of the Board of Supervisors.

SEC. 4. The interest on said bonds shall be paid annually, on the second day of January of each year at the office of the County Treasurer, and said bonds shall run and be payable in twelve years from the issuance thereof; *provided*, that from and after the year 1891, one thousand dollars shall be paid annually on the principal sum of said bonds until the principal sum of said bonds shall be paid, which payment shall be paid *pro rata* on said bonds.

SEC. 5. The County Treasurer shall keep a register of said bonds issued by him and deliver the said bonds to the Wagon Roads Commissioners hereinafter named, and said Commissioners shall sell and dispose of said bonds at as high a rate as possible, and convert the same into cash; *provided*, that none of the bonds shall be sold at less than ninety (90) cents on the dollar.

SEC. 6. The Board of Wagon Roads Commissioners shall consist of three persons, to be appointed by the Governor of the Territory, two of whom shall constitute a quorum for business, and shall hold their offices for two years and until their successors are appointed and qualified. Should any vacancy occur, the Board of Supervisors of said County of Yavapai shall appoint one or more, as may be required to constitute a full Board.

SEC. 7. Each of said Commissioners before entering upon the duties of the office shall give bonds in the sum of three thousand dollars, with two or more sufficient sureties, to the County of Yavapai, conditional for the faithful performance of the duties of the office, which bonds shall be approved by the Board of Supervisors and filed in the office of the County Treasurer, and the said Commissioners shall receive the sum of three dollars per day each for the time actually engaged in the transaction of business of said roads under this Act; *providing*, that the amount paid such Commissioners shall not exceed six hundred dollars.

SEC. 8. It shall be the duty of the said Wagon Roads Commissioners to keep a correct account of all expenses [incurred] in the repair of said roads, and make a full report of the same and of the money received from the sale of said bonds, how expended and to whom paid, to the Board of Supervisors of said County as soon as the roads are completed.

SEC. 9. Said roads shall be designated the "Tonto Basin Wagon Roads," and said Board shall be designated "Board of Tonto Basin Wagon Roads Commissioners."

SEC. 10. Said Board of Tonto Basin Wagon Roads Commissioners are hereby directed, within thirty days after the sale of said bonds, to commence the repair of the Old Stoneman Road, running from Fort Verde to where the branch road leaves the same for Tonto Basin, thence, by way of Pine Creek and Green Valley, to the Gila County line at Wild Rye.

SEC. 11. The said Board of Tonto Basin Wagon Roads Commissioners may, in the repair of said roads, employ laborers by the day or month, or may let the work by contract to the lowest bidder or bidders, as they may deem best. The grade of said roads shall be made in the most substantial manner, and it shall be wide enough to allow freight or other teams to pass each other at proper intervals.

SEC. 12. On the completion of the repair on said roads, all moneys remaining in the hands of the said Board of Tonto Basin Wagon Roads Commissioners, shall be by them paid over to the County Treasurer of Yavapai County, and by him placed to the credit of the General Fund.

SEC. 13. It is hereby made the duty of the Board of Supervisors of the County of Yavapai, at the time of levying the annual taxes, to estimate what sum will be required to meet the interest for the fiscal year on the then outstanding bonds issued by the authority of this Act, and after making proper allowances for delinquencies in taxpayers, to levy a tax sufficient to pay such interest, and in the year 1891, and annually thereafter, the said Board of Supervisors, at the time of levying the said annual taxes, shall levy a tax sufficient to pay, in addition to the interest aforesaid, the sum of one thousand dollars, which sum shall be a payment on the principal of said bonds; *provided, however*, that all the levies required by this Section shall cease when said bonds shall have been paid; and *provided, further*, that all surplus moneys arising from said levies shall be paid by the Treasurer yearly into the General Fund of said county, to be disbursed as other moneys in said fund, and in case of a deficiency in said levies, the deficiency shall be paid by said Treasurer out of the moneys in the General Fund.

SEC. 14. The County Treasurer of Yavapai County shall pay the interest on said bonds when due, and the coupons marked by him canceled shall be his vouchers for such payments, and whenever he shall make any payments on the bonds he shall indorse such payments on the bond, and take a receipt from the person so paid, showing the number and denomination of bond, the amount of principal so paid, to whom, and when, which receipt shall be his voucher, until the bond is wholly paid, when he shall require the surrender of the bond, and shall cancel the same by writing "Canceled" on its face.

SEC. 15. This Act shall be in force and take effect from and after its passage.

Approved March 12, 1885.

No. 117.

AN ACT

Authorizing a loan on the faith and credit of the Territory and to provide for the building of bridges and repair of certain wagon roads in the County of Apache.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That a loan of twelve thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, to be paid at the expiration of fifteen years from the date thereof, and to bear interest at the rate of eight per cent per annum.

SEC. 2. The Treasurer of the Territory is hereby authorized and directed, when required by the Wagon Road Commissioners, hereinafter provided, to issue bonds of the Territory in sums of two hundred and fifty, five hundred and one thousand dollars each, payable in fifteen years from date thereof and not exceeding in the aggregate the sum of twelve thousand dollars, in the following form, to wit:

Bond No..... \$.....

.....day of.....A. D. 1885.

Fifteen years after date the Territory of Arizona promises to pay to the order of the Governor of the Territory.....
.....dollars, with interest at the rate of eight per cent per annum from date, payable annually at the Treasury of the Territory for value received.

.....Secretary of the Territory.

.....Treasurer.

SEC. 3. All such bonds shall be signed by the Secretary of the Territory with his own proper name, affixing his official character, and shall be authenticated with the great seal of the Territory, and shall be indorsed by the Governor of the Territory with his proper name, affixing his official character, and shall then be delivered to the Treasurer of the Territory, and said Secretary shall keep a register of said bonds, showing the number and amount of said bonds, and shall charge the Treasurer with the full amount of said bonds.

At the time of issuing said bonds under the provisions of this Act, the Territorial Treasurer shall sign a sufficient number of them with his own proper name, affixing his official character, which signing shall bind the Territory, and in the same manner shall sign the coupons thereto attached as hereinafter provided. The coupons or certificates for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to fifteen, inclusive, each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all bonds issued by him, and shall deliver the same to the Wagon Road Commissioners hereinafter named, and the said Commissioners shall sell and dispose of said bonds at as high a rate as possible and convert the said bonds into cash; *provided*, that no bonds shall be sold or disposed of by them for less than ninety-five cents on the dollar.

SEC. 4. The Territorial Treasurer shall pay the interest on said bonds when due, taking the coupons as his vouchers therefor, and he may retain in his hands for that purpose a sufficient amount of money of the Territory.

SEC. 5. The Board of Wagon Road Commissioners shall consist of three persons, two of whom shall constitute a quorum for the transaction of business, as follows: Morris Barth, of Holbrook; Ebin Stanley, of Springerville, and E. S. Stover, of St. John, and they shall hold their offices for two years and until their successors are elected, or appointed as the case may be, and qualified. In case of a vacancy, the Governor shall appoint one or more, as may be required to constitute a full Board. The Governor shall issue commissions to the persons herein appointed Wagon Road Commissioners, and to those who may hereafter be appointed to fill any vacancy that may arise.

SEC. 6. It is hereby made the duty of said Wagon Road Commissioners, within sixty days after the passage of this Act, to commence the repair of the road between the town of Holbrook and Fort Apache, also the road from the New Mexico line to Fort Apache, via the town of Springerville, also the road from Springerville to Navajoe Springs, and also they shall build bridges over the Rios Pecos and the Colorado Chiquito, wherever it is necessary in the repairing of said roads. Said roads are all located in the County of Apache, Arizona.

Territory. And it shall be the duty of said Commissioners to prosecute the repair of said roads to completion as speedily as possible.

SEC. 7. The said Board of Wagon Road Commissioners are hereby authorized in the repair of said roads to employ laborers by the day or month to perform the same, or to let the same by contracts as they may deem best.

SEC. 8. Each of said Wagon Road Commissioners shall, before entering upon the duties of the office, give bonds in the sum of eight thousand dollars, with two or more sufficient sureties, to the Territory, conditioned for the faithful performance of the duties of the office, which shall be approved by the Governor and filed in the office of the Secretary of the Territory. Said Commissioners shall receive a compensation for their services of six dollars per day when actually employed on such Commission, and this shall be full compensation for said services.

SEC. 9. It shall be the duty of said Board of Wagon Road Commissioners to keep a correct account of all expenses incurred in the repair of said wagon roads, and make a full report of the same to the Governor, on or before the first day of January in each year; and the Governor shall transmit a copy of said report to the next Legislative Assembly.

SEC. 10. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 118.

AN ACT

Exempting firemen from certain taxes, jury duties, etc.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. That the active officers and members of unpaid fire companies, regularly organized in any incorporated city in this Territory; and exempt firemen as hereinafter defined, shall be entitled to the following privileges and exemptions, viz: exemptions from the payment of poll tax and road tax, exemption from jury duty, and exemption from military duty, except in case of war, invasion, or insurrection; *provided*, that

no such fire company shall consist of more than fifty active members; *and provided, further*, that not more than fifty firemen in any one incorporated city shall be exempt under the provisions of this Act.

SEC. 2. The Secretary of every fire company duly organized under the provisions of the charter or any ordinance of any incorporated city in this Territory, shall furnish to the Clerk of the District Court of the county wherein such company is located, a complete list of all active officers and members of his fire company, in good standing, every three months.

SEC. 3. This Act shall take effect and be in force from and after its passage. The provisions of this Act shall only apply to and take effect in Pima, Yavapai, and Cochise Counties.

Approved March 12, 1885.

No. 119. AN ACT

To amend an Act entitled "An Act to create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector and prescribe the salaries and duties of certain county officers of the County of Graham," approved March 12, 1885.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That Section 12 of an Act entitled "An Act to create the office of County Assessor, to make the County Treasurer *ex officio* Tax Collector, and prescribe the salaries and duties of certain county officers of the County of Graham," approved March 12, 1885, be amended so as to read as follows: "The Clerk of the District Court of said county shall receive to his own use as full compensation for all services rendered by him or his deputies, in lieu of fees, the following salary per annum, to be paid quarterly in installments at the end of each quarter, to wit: the sum of one thousand dollars.

SEC. 2. This Act shall take effect and be in force from and after its passage.

Approved at 11 o'clock P. M., March 12, A. D. 1885.

No. 120.

AN ACT

To prevent unlawful injury to gas or water pipes, and mains, or works erected for supplying buildings with gas or water; and to prevent the stealing or unlawful drawing of water and gas.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SECTION 1. Every person who willfully breaks, digs up, obstructs, or injures any pipe or main for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenances or appendages therewith connected, is guilty of a misdemeanor.

SEC. 2. Every person who, with intent to injure or defraud, connects or causes to be connected any pipe, tube, or other instrument, with any main, service-pipe, or other pipe, or conduit, or flume, for conducting water or gas, for the purpose of taking water or gas from such main, service-pipe, conduit, or flume, without the knowledge of the owner thereof, and with intent to evade payment therefor, is guilty of a misdemeanor.

SEC. 3. Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water or gas from any stop-cock or faucet by which the flow of water or gas is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

SEC. 4. Any person convicted of a violation of any of the provisions of this Act before a court of competent jurisdiction, shall be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both [such fine and imprisonment.

SEC. 5. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.

No. 121.

AN ACT

To punish trespass upon University lands,

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Every person who willfully commits trespass upon the public lands, granted by the United States to the Territory of Arizona for the use and support of a University in said Territory, and selected and located as such, under an Act of Congress, approved February 18, 1881, by either:

First. Cutting down, destroying or injuring any kind of wood or timber growing upon said lands; or,

Second. Carrying away any kind of wood or timber lying on such lands; or,

Third. Digging, quarrying, taking, or carrying away any earth, soil, stone, ore, or mineral, lying or being upon said lands, or under the surface thereof, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than fifty, nor more than one thousand dollars, or by imprisonment in the County Jail for not more than one year, or by both such fine and imprisonment; *provided*, this Act shall not apply nor include any railroads which may hereafter be built in so far as it prohibits the cutting of timber in securing a right of way through the University lands.

SEC. 2. It shall be the duty of the County Superintendent, School Trustees, the Sheriff, and all Constables of any county wherein said University lands are situated, to take notice of all trespasses thereon, coming to their knowledge and to immediately make complaint against the persons committing the same; and any officer named in this section, who shall willfully neglect or refuse to make complaint of any such trespass, coming to his knowledge, to the nearest Justice of the Peace, shall be guilty of a misdemeanor.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, A. D. 1885.

No. 122.

AN ACT

To amend Section 123 of Chapter X of the Compiled Laws of Arizona.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. Section 123 of Chapter X of the Compiled Laws of the Territory of Arizona entitled "Of Criminal Proceedings," is hereby amended to read as follows:

§ 123. Bigamy consists in the having of two or more wives or two or more husbands at one and the same time, knowing that the first or former husband or wife is still alive. If any person or persons within this Territory being married, or who shall hereafter marry, do at any time marry any person or persons, the first or former husband or wife being alive, or who shall have, or live with, or cohabit with more than one person of the opposite sex, at the same time, as husband or wife, the person so offending shall on conviction thereof be punished by fine not less than one thousand dollars and not more than five thousand dollars, and be imprisoned in the Territorial Prison not less than one year and not more than ten years. It shall not be necessary to prove any of the said marriages by the register or certificate thereof, or other record evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and also as hereinafter provided; and when such second or subsequent marriage shall have taken place without this Territory, cohabitation in this Territory after such second or subsequent marriage shall be deemed the commission of the crime of bigamy. Nothing herein contained shall extend to any person or persons whose husband or wife shall have been continually absent from such person or persons for the space of five years together, prior to the second or subsequent marriage and he or she not knowing such husband or wife to be living within that time. Also nothing herein contained shall extend to any person who is or shall be at the time of such second or subsequent marriage divorced by lawful authority from the bonds of such first or former marriage, or to any person where the first or former marriage hath been by lawful authority declared void. In all proceedings and prosecutions arising under this Section no person shall be competent or qualified to become a Grand Juror or a Trial Juror who believes it to be

right to marry, have, live with or cohabit with more than one woman as a wife at the same time, or who does so marry, have, live with or cohabit with more than one woman as a wife at the same time, or who is a member or communicant of or belongs to or is connected with any church, sect or organization that advises, teaches, claims, holds, or professes to advise, teach, claim or hold that it is right or lawful or proper to practice bigamy as herein defined, Cohabitation with more than one woman as a wife at the same time shall be *prima facie* evidence of the crime of bigamy, and general reputation, cohabitation, and all other facts and circumstances which are admissible as evidence in civil cases shall be competent evidence to be considered by the jury in all prosecutions under this Section; and the first or any subsequent wife shall be a competent witness for the prosecution, and shall testify under oath upon, of, and concerning all the facts of the first or any other or subsequent marriage or marriage ceremony or bigamous relation, and the testimony of said wife or second or subsequent wife shall not be taken or received against her in any prosecution for bigamy.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

Approved March 12, A. D., 1885.

No. 123.

AN ACT

Making appropriations for the current and contingent expenses of the civil government of the Territory of Arizona for the two years ending on the thirty-first day of December, A. D. 1886, and for other purposes.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

SECTION 1. That the following sums be and they are hereby appropriated for the several objects hereinafter named, and the Territorial Auditor is hereby authorized and directed to draw his warrants for the said sums hereinafter mentioned, and set forth, to wit:

First. To pay the salary of the Territorial Auditor, two thousand (\$2,000) dollars, one thousand to be paid during each of the years 1885 and 1886, as provided by law.

Second. To pay the salary of the Territorial Treasurer, two thousand (\$2,000) dollars, one thousand dollars to be paid during each of the years 1885 and 1886, as provided by law; *provided, however,* that express receipts or other proper evidence, subject to final approval by a Legislative Committee, shall be vouchers, in the hands of the Territorial Treasurer, for expense incurred in the transmission of funds from the several County Treasurers to the Territorial Treasury, and the same shall be a proper charge against the General Fund of the Territory.

Third. For salary of the Superintendent of Public Instruction for the years 1885 and 1886, four thousand (\$4,000) dollars, two thousand to be paid each year as provided by law. For printing blanks and incidental expenses of office for the Superintendent of Public Instruction, six hundred (\$600) dollars for each of the years 1885 and 1886. For traveling expenses for the Superintendent for each of the years 1885 and 1886 five hundred (\$500) dollars. For printing school law in pamphlet form as provided by law, five hundred (\$500) dollars.

Fourth. For Territorial salaries of the District Judges, as provided by law, to be expended under the direction of the Territorial Auditor, thirty-six hundred (\$3,600) dollars, one-half to be expended in each of the years 1885 and 1886.

Fifth. For expenses of the Supreme Court, to be expended under the direction of the Chief Justice of the Territory, for the years 1885 and 1886, seven hundred and fifty (\$750) dollars.

Sixth. For contingent expenses for the years 1885 and 1886, the sum of five thousand (\$5,000) dollars, to be expended by the Governor as rewards for the apprehension of criminals and other expenses incidental thereto, and the Governor is hereby authorized and empowered to offer rewards in his discretion; *provided,* that no reward offered or paid, shall exceed five hundred dollars, and he may, in his discretion, pay for services rendered in arresting or pursuing criminals when in his judgment, the public good will be promoted thereby, in cases where no reward was previously offered by the Territory.

Seventh. For salaries of phonographic reporters, for the First, Second and Third Judicial Districts, of the Territory of Arizona, for the years 1885 and 1886, six thousand (\$6,000) dollars, three thousand dollars to be expended in each year, to be audited and paid as directed by law.

Eighth. For paying subscriptions to the Territorial papers, to be kept on file in the Territorial Library, and for binding the same each year, to be audited by the Territorial Auditor upon proper vouchers, the sum of three hundred (\$300) dollars, one hundred and fifty (\$150) dollars for each of the years 1885 and 1886.

Ninth. The sum of two hundred and fifty (\$250) dollars is hereby appropriated to be expended under the direction of the Territorial Auditor, for the printing of blanks to be used by the County Assessors in taking the statistics of their counties, printing warrants, and the necessary postage.

Tenth. For paying postage of the Thirteenth Legislative Assembly the sum of eight hundred and eighty-eight⁸⁸/₁₀₀ (\$888.88) dollars, and the Territorial Auditor is hereby directed to draw his warrant on the Territorial Treasurer in favor of Morris Goldwater for said amount.

Eleventh. To pay the salary of the Attorney-General, two thousand (\$2,000) dollars, one thousand dollars to be paid during each of the years 1885 and 1886.

Twelfth. That the sum of one hundred and eighteen (\$118) dollars is hereby appropriated to pay for insurance for two years on the Territorial library, to be expended by the Secretary of the Territory.

Thirteenth. That the sum of twelve hundred (\$1,200) dollars is hereby appropriated for the Territorial Library, to be expended under the direction of the Secretary of the Territory of Arizona, said sum to include postage, help, extra shelving, labels, and all other ordinary expenses therefor.

Fourteenth. For the distribution of public documents, including laws and journals, to be expended by the Secretary of the Territory from time to time, as may be necessary, the sum of two hundred (\$200) dollars is hereby appropriated.

Fifteenth. For incidental expenses incurred for stationery, to be paid to M. Goldwater & Son, four hundred and one $\frac{85}{100}$ (\$401.85) dollars, and to Geo. S. Porter, for the use of furniture for Enrolling and Engrossing Committee room, fifty (\$50) dollars.

Sixteenth. For the pay of the Private Secretary of the Governor during the session of the Thirteenth Legislative Assembly, five hundred and forty (\$540) dollars.

Seventeenth. To pay Private Secretary of the Governor for the years 1885 and 1886, eleven hundred (\$1,100) dollars, to be paid as follows: Six hundred dollars per year upon the certificate of the Governor of the Territory.

Eighteenth. The sum of seven hundred and twenty (\$720) dollars is hereby appropriated for rent of Territorial Library room for the years 1885 and 1886.

Nineteenth. That the sum of eighty (\$80) dollars be and is hereby appropriated to be paid to Thos. Duke for services as Janitor, before the organization of the Legislature.

Twentieth. To pay for fifty-five (55) volumes of American Decisions and twenty-five volumes text books, for Territorial Library, to be paid to J. F. Bostwick the sum of three hundred and seventy-five (\$375) dollars.

Twenty-first. That the sum of twenty-five (\$25) dollars be and is hereby appropriated to be paid to J. H. Behan, for services as temporary Sergeant-at-Arms.

Twenty-second. To pay for extra services as Attorney-General during the session of the Thirteenth Legislative Assembly, and for deficiency in last appropriation, to be paid to Clark Churchill the sum of eight hundred (\$800) dollars.

Twenty-third. For printing bills, letter-heads, and other printing for the Thirteenth Legislative Assembly, five thousand six hundred and three (\$5,603) dollars to be paid to J. C. Martin, and to W. O. O'Neill six thousand five hundred and thirty (\$6,530) dollars.

Twenty-fourth. For printing daily journals, bills, reports, etc., for the Thirteenth Legislative Assembly, to be paid to John H. Marion the sum of seven thousand eight hundred and thirty-four $\frac{70}{100}$ (\$7,834.70) dollars.

Twenty-fifth. That the sum of twenty thousand (\$20,000) dollars be and is hereby appropriated to be used by the Territorial Prison Commissioners for the purpose of constructing new cells, making necessary improvements on the Territorial Prison and purchasing machinery and raw material with a view to making the Prison self-sustaining; *provided, however,* that no portion of this sum so appropriated shall be expended except by a vote of a majority of said Board of Prison Commissioners, in accordance with the existing laws governing the action of that Board.

Twenty-sixth. To pay for office of the Judiciary Committee of the Council the sum of thirty (\$30) dollars, and for office rent of the Committee on Mines and Mining during the session of the Thirteenth Legislative Assembly the sum of thirty (\$30) to be paid to the Bank of Arizona.

Twenty-seventh. That the sum of twelve hundred (\$1,200) dollars be and the same is hereby appropriated to pay the rent of the Governor's offices for the years 1885 and 1886, to be expended under the direction of the Governor.

Twenty-eighth. That the sum of one thousand (\$1,000) be and the same is hereby appropriated, to be expended under the direction of the Governor of this Territory, for the transportation of arms and ammunition, storage of same, and expenses of Adjutant General in connection therewith and of his office during the years 1883 and 1884, to be paid upon the filing of proper vouchers and itemized bills therefor with the Territorial Auditor, and the Territorial Auditor is hereby directed to draw his warrant upon the Territorial Treasurer upon the certificate of said Governor.

Twenty-ninth. That the sum of nine hundred and sixty (\$960) dollars be appropriated to compensate the members of the House for services not paid for by the United States Government; forty (\$40) dollars to be paid to each member. And the sum of one thousand and eighty (\$1,080) dollars be appropriated to compensate the members of the Council for services not paid for by the United States Government; ninety (\$90) dollars to be paid to each member upon the certificate of the Secretary of the Council and Chief Clerk of the House.

Thirtieth. That the sum of fifteen hundred and fifty (\$1,550) dollars be and the same is hereby appropriated to pay A. L. Bancroft & Co. for three hundred copies of the Supreme Court

Reports of Arizona, Vol. 1, and the Auditor is hereby directed to draw his warrant on the Territorial Treasurer for said amount, when the Secretary of the Territory shall certify that the three hundred volumes have been received by him. Said books to be distributed by the Secretary of the Territory to the officers in the Territory entitled to them, viz: County and Probate Judges, District Attorneys, and to the State and Territorial libraries in the United States, the Attorney General of the United States and of this Territory, and the United States Judges of this Territory. The Secretary may sell such copies as may be called for, and invest the proceeds in such other books as may be needed in the Territorial Library. Price of said books shall not exceed six dollars per volume.

Thirty-first. The sum of twenty-three thousand seven hundred (\$23,700) dollars is hereby appropriated for Clerk hire for the Thirteenth Legislative Assembly, to be paid as follows, to wit:

CLERKS OF THE COUNCIL.

R. J. Pryke.....	Assistant Chief Clerk.....	\$720
W. F. Holden.....	Assistant Enrolling and Engrossing Clerk.....	720
D. F. White.....	Journal Clerk.....	540
Miss Carrie Nash.....	Assistant Journal Clerk.....	540
George H. Tinker.....	Clerk Judiciary Committee.....	540
H. H. Noyes.....	Assistant Clerk Judiciary Committee.....	540
J. E. Anderson.....	Clerk Committee on Enrolled and Engrossed Bills.....	540
W. C. Foster.....	Clerk Committee on Memorials and Petitions.....	360
Sam Goldwater.....	Clerk Committee on Corporations.....	360
J. F. Bostwick.....	Clerk Committee on Printing.....	360
Louis St. James.....	Clerk Committee on Militia and Indian Affairs.....	360
John Dobbs.....	Doorkeeper.....	480
D. F. Mitchell.....	Clerk Committee Ways and Means.....	360
M. E. Stephens.....	Clerk Committee on Education.....	360
Edson Long.....	Janitor.....	200
Edward Stephens.....	Page.....	240
Doane Merrill.....	Page.....	240
N. O. Murphy.....	Clerk Committee Mines and Mining.....	360
Lawrence M. Lemon.....	Clerk Committee on Elections.....	360
W. F. Burke.....	Clerk Committee Counties and County Boundaries.....	360
A. S. Skinkle.....	Clerk Committee on Claims.....	360
Florence Howard.....	Clerk Committee on Federal Relations.....	360
Fred G. Hughes.....	Clerk Committee on Agriculture.....	360
Miss Hettie Curtis.....	Clerk Committee on Roads and Ferries.....	360
N. T. Ainsworth.....	Clerk Committee on Territorial Affairs.....	360
A. M. Wright.....	Clerk Committee on Hydrography.....	360
J. C. Perry.....	Clerk Committee on Irrigation, Water and Water Rights.....	360

CLERKS OF THE HOUSE OF REPRESENTATIVES.

J. H. Carpenter.....	Assistant Chief Clerk.....	\$720
Miss Georgia McClintock.....	Assistant Enrolling and Engrossing Clerk.....	720
C. A. Shibley.....	Journal Clerk.....	540
G. W. Ingalls.....	Assistant Journal Clerk.....	540
L. E. Barbey.....	Clerk Judiciary Committee.....	540
H. B. Lighthizer.....	Assistant Clerk Judiciary Committee.....	540
Oscar Lincoln.....	Clerk Committee Enrolled and Engrossed Bills.....	540
Mrs. Annie M. Livingston.....	Clerk Committee on Memorials and Petitions.....	360
Henry Goldwater.....	Clerk Committee on Corporations.....	540
Leslie F. Blackburn.....	Clerk Committee on Printing.....	360
Miss Carry Tempest.....	Clerk on Militia and Indian Affairs.....	360
W. B. Horton.....	Clerk Committee on Claims.....	360
J. M. Moore.....	Doorkeeper.....	480
W. A. Nash.....	Clerk Committee on Ways and Means.....	360
Miss Loulie R. Finch.....	Clerk Committee on Education.....	360
James Butler.....	Janitor.....	360
George S. Porter.....	Page.....	340
Walter Kimber.....	Page.....	300
J. T. Fitzgerald.....	Clerk Committee on Mines and Mining.....	360
J. P. Bruce.....	Clerk Committee on Counties and County Boundaries.....	360
J. E. Brown.....	Clerk Committee on Federal Relations.....	360
Edward Roberts.....	Clerk Committee on Agriculture.....	360
J. M. Wilson.....	Clerk Committee on Roads and Ferries.....	360
C. Douglas Brown.....	Clerk Committee on Territorial Affairs.....	360
Miss Carrie Johnson.....	Clerk Committee on Public Buildings and Grounds.....	360
Harry Darlington.....	Clerk Committee on Rules.....	360
M. M. Rice.....	Clerk Committee on Appropriations.....	360
Miss Daisy Winants.....	Clerk Committee on Territorial Library.....	360
Lewis Armstrong.....	Clerk Committee on Irrigation.....	360
Miss Katie Miles.....	Clerk Committee on Public Expenditures and Accounts.....	360
J. R. Estill.....	Clerk Committee on Public Morals.....	360

Thirty-second. For newspapers furnished for the use of the Thirteenth Legislative Assembly, to be paid to the persons hereinafter named, as follows, to wit:

J. C. Martin.....	\$402 00
W. O. O'Neill.....	376 00
J. H. Marion.....	362 00
Citizen Publishing Company.....	348 00
L. C. Hughes.....	296 00
H. H. McNeil.....	206 00
N. A. Morford.....	166 00
D. C. Cooper.....	160 00
A. E. Fay.....	112 00
J. W. Dorrington.....	80 80
C. D. Reppy.....	86 00
Philip Montague.....	76 00
Tom Weedon.....	73 60

J. T. Fitzgerald.....	\$56 00
Harry Brooks.....	62 00
Harry Brooks.....	44 80
G. W. Barter.....	36 80
A. H. Hackney.....	47 20
Yuma Republican.....	25 60
J. J. Nash.....	18 40
Mohave Miner.....	15 20
Harry Reed.....	14 40
Holbrook Times.....	9 60
Orion Era.....	1 60
Carlos Velasco.....	80
Total.....	\$3,076 80

Thirty-third. For rent of two (2) committee rooms in the City Hall Building, Prescott, A. T., to be paid to Michael Goldwater, Mayor of the City of Prescott, one hundred and twenty (\$120) dollars.

Thirty-fourth. For preparing a true account of all Acts, Bills, and Memorials engrossed and enrolled by the House of Representatives, together with dates of receipt and delivery of same, for filing with the Secretary of the Territory, to be paid to Frank Ingoldsby the sum of one hundred and fifty (\$150) dollars.

Thirty-fifth. To pay for eleven (11) volumes of Bancroft's History of the Pacific States, for the Territorial Library, to be paid to A. L. Bancroft & Co. the sum of fifty-five (\$55) dollars.

Thirty-sixth. For telegraphing to Denver, Colorado, in reference to State and National Silver Convention, to be paid to Governor F. A. Tritle, the sum of five ⁵⁰/₁₀₀ dollars (\$5.50).

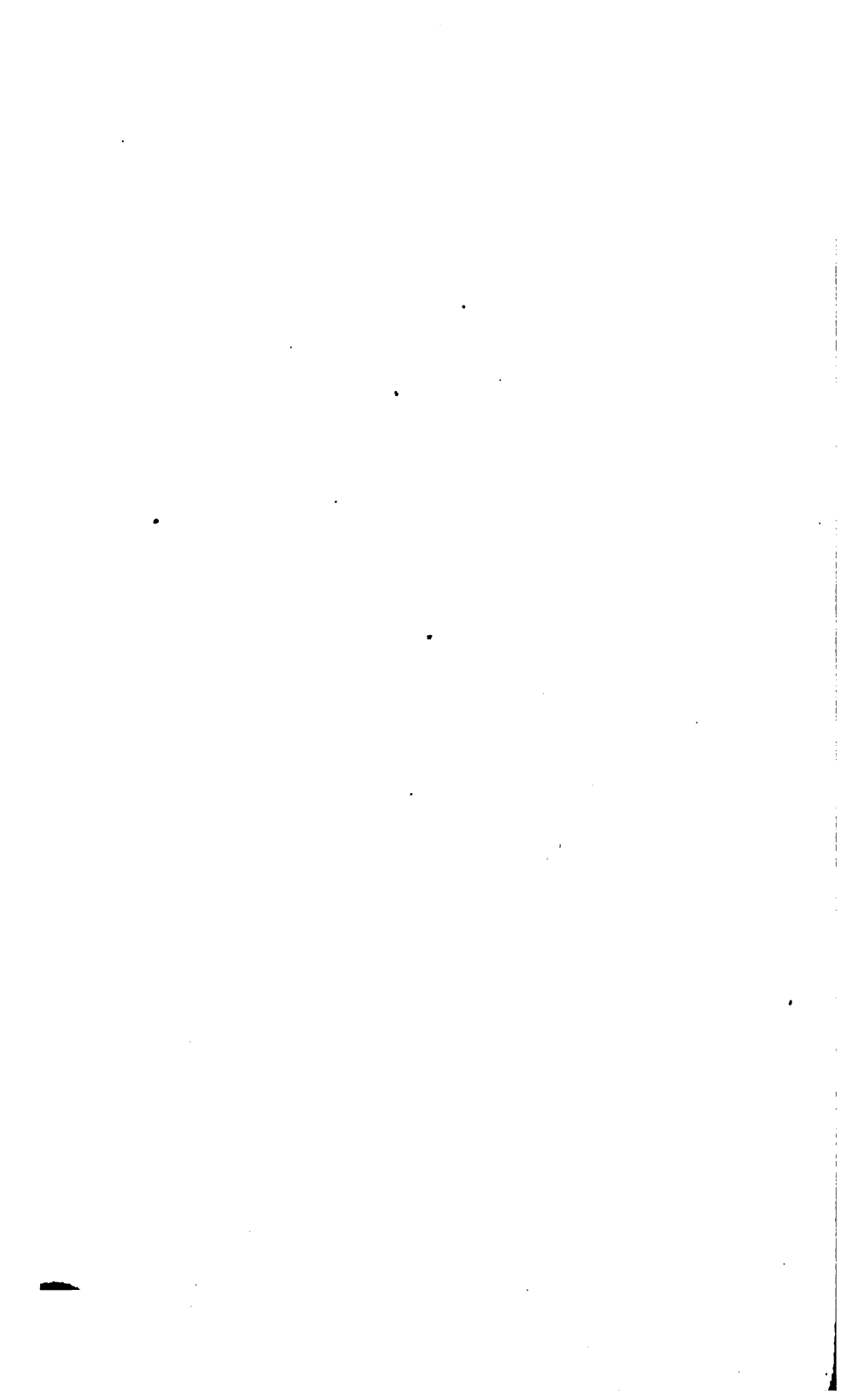
SEC. 2. All the appropriations made by this Act for salaries or other purposes shall be paid out of the General Fund of the Territory, except as otherwise provided by law, and shall apply from the first day of January, A. D. 1885, to the thirty-first day of December, A. D. 1886. Every officer disbursing public money under the provisions of this Act shall file with the Auditor of the Territory at the time the warrant is drawn, an

itemized statement under oath, showing the several amounts paid by him out of the public moneys in his hands, to whom paid, and for what, and shall also file with said statement proper vouchers for each item therein mentioned.

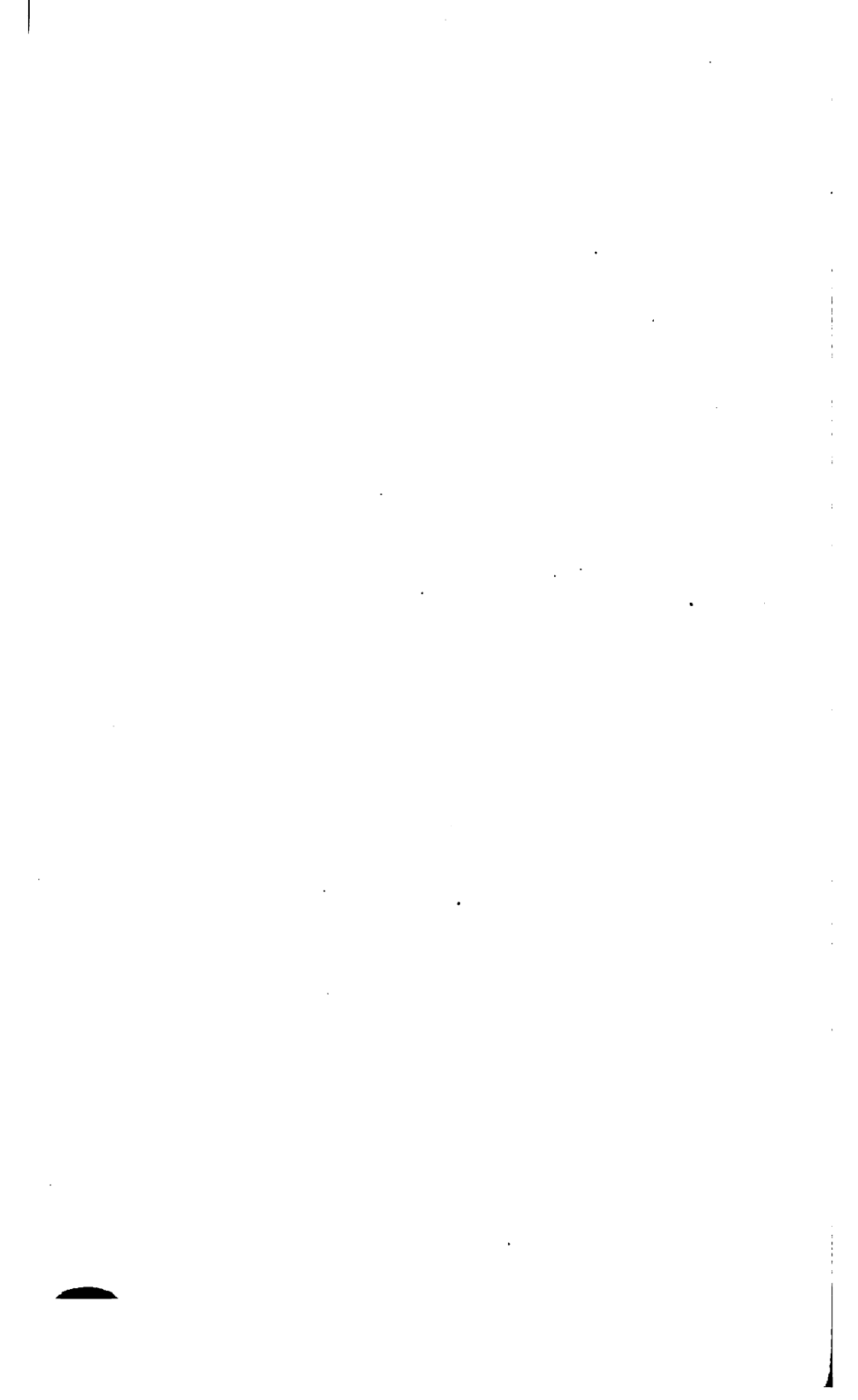
SEC. 3. The Territorial Auditor shall draw his warrants on the Territorial Treasurer for the salaries provided for in this Act quarterly for the amount due for the preceeding quarter, except when other times of payment of salaries are expressly provided for by law, and for the other appropriations made by this Act he shall draw his warrants as directed and required by this Act. No warrant shall be drawn for services rendered or indebtedness accruing during any other fiscal year than those for which appropriations are made by this Act.

SEC. 4. This Act shall take effect and be in force from and after its passage.

Approved March 12, 1885.



Resolutions.



JOINT RESOLUTIONS.

No. 1. JOINT RESOLUTION

In respect to American Prisoners in Mexico.

Be it resolved by the Legislative Assembly of the Territory of Arizona:

That the President of the United States be respectfully requested to inquire into the condition and cause of imprisonment of seven American citizens imprisoned in Magdalena, State of Sonora, Republic of Mexico.

And that a copy of this Resolution be transmitted by telegraph to our delegate in Congress.

Approved January 31, 1885.

No. 2. JOINT RESOLUTION.

Be it resolved by the Legislative Assembly of the Territory of Arizona:

That the thanks of the people of Arizona, through their representatives here assembled, be and are hereby tendered to General George Crook, commander of the United States forces in and for the Department of Arizona, for the able and efficient manner in which he has conducted the military affairs of this department, for his successful operations against hostile Indian bands, for the skill and genius which has marked his management of the Indians throughout the Territory, restoring and maintaining peace in every quarter, and putting

an end to those raids of the hostile savage which heretofore have been so destructive to the property and so terrible to the lives and happiness of our citizens.

Resolved, That the high appreciation of the citizens of Arizona for General Crook is as universal as his Indian policy has been successful, and that we, the representatives of the people, re-state and re-affirm the words of the Executive in his biennial message, that "*the Indians know General Crook and his methods, and respect both.*"

Resolved, That an engrossed copy of this Joint Resolution, properly certified by the Secretary of the Territory, be transmitted by the Governor to General Crook.

Approved February 6, 1885.

No. 3.

JOINT RESOLUTION

Carrying the thanks of the Thirteenth Legislative Assembly of Arizona to General George Crook.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

That in high appreciation of the correct judgment, the eminent ability, and the bravery and assured success with which he has conducted his Indian Campaigns, we, the representatives of the people of Arizona, in Assembly convened, do hereby tender and convey to General George Crook our heartfelt thanks for his distinguished services in our behalf.

That we fully recognize his power and ability to cope with the terrible evil of Indian torture, outrage and death, under which our people have so long suffered ; and to check their career of bloodshed and hold these treacherous and blood-dyed cruel devils with an iron hand, until such time as we shall be relieved therefrom, by their enforced removal to the Indian Territory.

And we further recognize and appreciate the bravery, fidelity and obedience to official instructions of the officers and soldiers, participants in said campaigns, in their memorable march to the Sierra Madre Mountains of Mexico; and

Be it further resolved, That an engrossed copy of this Resolution, signed by the Governor of the Territory, the President of the Council and the Speaker of the House, and properly certified by the Secretary of the Territory, be transmitted by the Governor to General George Crook in testimony hereof.

Approved February 6, 1885.

No. 4.

JOINT RESOLUTION

Providing for the care of the Insane.

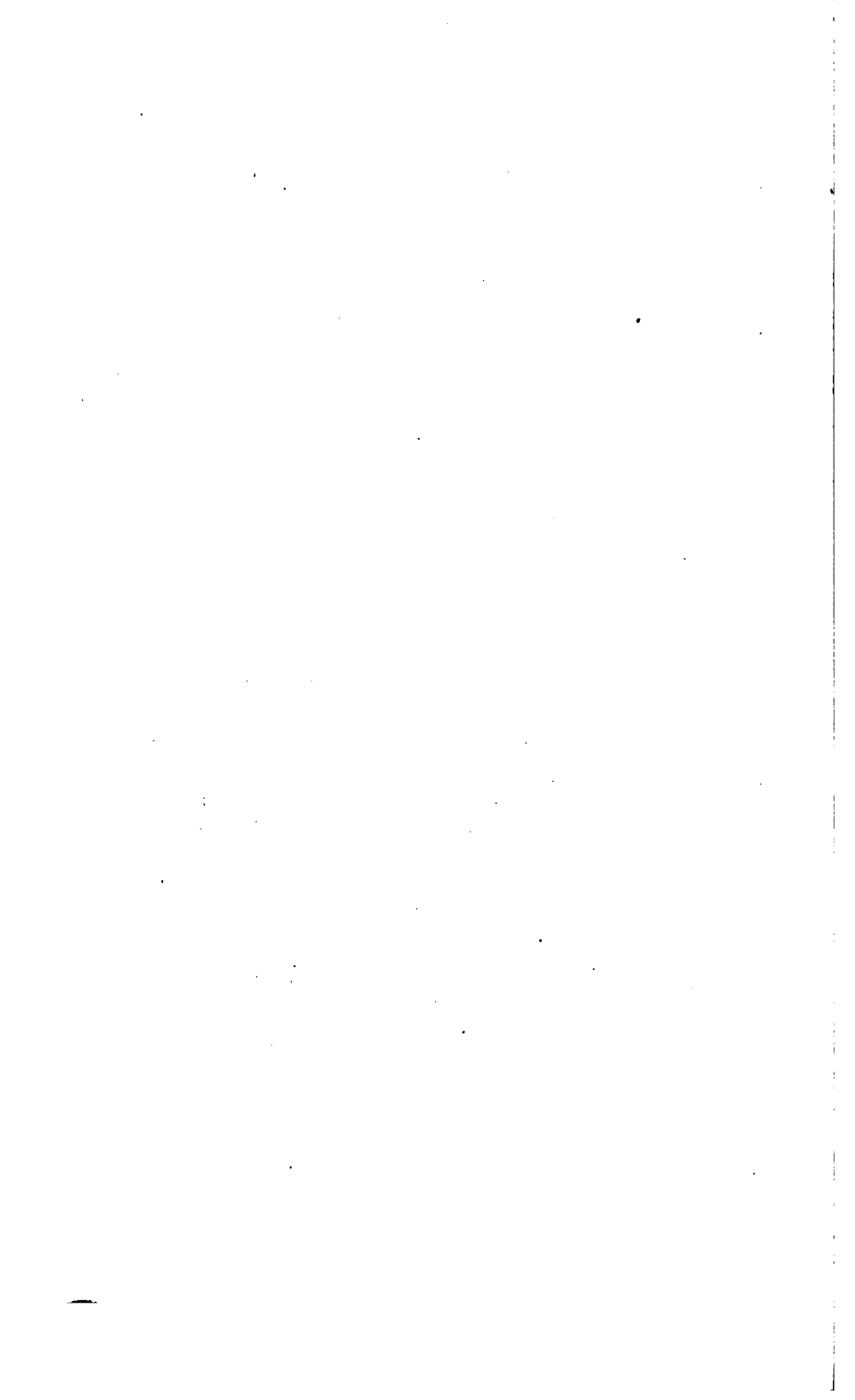
WHEREAS, A contract now exists between the Territory of Arizona and Langdon and Clark, of Stockton, California, whereby they care for the insane of the Territory at a rate of six dollars per week each; and

WHEREAS, They, the said Langdon and Clark, are now willing to enter into a new contract at the rate of six dollars per week, each, for a period of two years. Therefore, be it

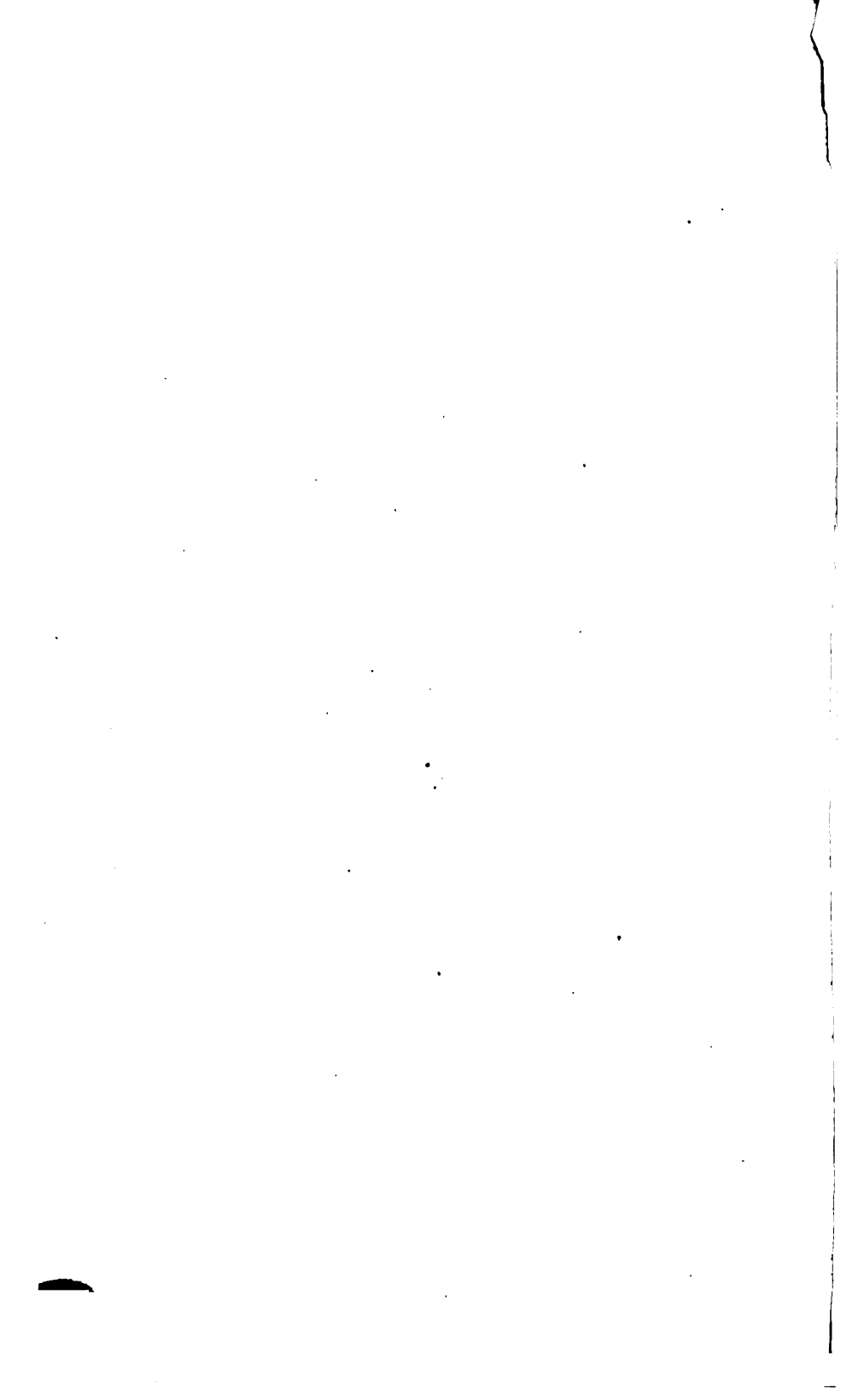
Resolved by the Legislative Assembly of the Territory of Arizona:

That the Governor of the Territory be empowered to enter into a contract on the part of the Territory with said Langdon and Clark, at the rate of six dollars per week for a period of two years or any part thereof.

Approved March 11, 1885.



Memorials.



MEMORIALS.

No. 1.

MEMORIAL

In reference to the White Mountain Indian Reservation.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, beg leave to respectfully represent to your Honorable bodies:

That on the southern line of the White Mountain Indian Reservation, so called, situate in said Territory of Arizona, coal was discovered, in January, A. D. 1881, by some mining prospectors.

That it was found in the "De Frees" Mining District, which district had been organized, under the general and local mining laws, in 1876, and in which many claims have been opened and worked, much money has been invested, taxes have been paid, laws have been enforced, and mining property has changed hands.

That no survey was made of the Reservation until the summer of 1883, and that the general impression among the miners was that the coal lands were outside of the Reservation limits.

That under this impression the original discoverers and locators have expended nearly \$30,000⁰⁰/₁₀₀ in development work.

That the Government has permitted them to build a road at a cost of \$10,000⁰⁰/₁₀₀, and has purchased coal from them.

That they have never had any disturbance or quarrel with the Indians, and that they are now in quiet possession of the mining property with the consent of both the War and Interior Departments.

That no men of capital can be induced to put money in these coal lands, or to put up machinery necessary for their thorough development and working while they remain a part and portion of the Indian Reservation.

Wherefore, your memorialists pray, and most respectfully request, in behalf of the discoverers and locators of these coal fields or mines, that their rights be respected, and, in behalf of the people who need the coal, that said coal fields or mines be segregated, by Congressional Act, from the Indian Reservation.

They make this prayer and request because coal costs now sixty dollars per ton (almost as much as flour), and eleven quartz mills and four copper smelters in the County of Gila alone, are idle, partly on account of the want of cheap fuel, while these vast deposits of coal are in the immediate neighborhood.

Because the land is of no use to the Indians, there being no agricultural country affected by the desired segregation.

Because after this segregation is made there will be three-quarters of a square mile of land for every Indian—man, woman, and child—on the Reservation.

Because the Honorable Secretary of the Interior, after a careful examination into the matter, recommended such segregation.

And because this coal is of vital importance to the successful development of Central Arizona.

In view of these reasons we most respectfully and urgently pray for the changing, by Act of Congress, of the southern boundary line of the White Mountain Indian Reservation by making the line run from the western line of the Military Reservation at Camp Thomas to the mouth of Hock Canyon on the Gila River, and thence due west to the western line of said Indian Reservation. Therefore,

Be it resolved by the Legislative Assembly of the Territory of Arizona:

That our Delegate in Congress be, and he is hereby instructed to use all honorable means to bring this subject to the earnest and favorable consideration of Congress; and be it further

Resolved, That the Secretary of the Territory of Arizona be, and he is hereby requested to transmit a copy of the foregoing memorial to each House of Congress and to the Honorable Secretary of the Interior.

Approved February 2, 1885.

No. 2.

MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress Assembled.

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, beg leave to represent to your Honorable Bodies :

First. That there are many just and honorable claims for property destroyed and stock driven off by Indians. In many instances these claimants are widows whose husbands were murdered by Indians, their property destroyed or driven off, leaving them in many instances with large families many miles from points of supplies and frequently without teams sufficient to haul supplies, and in consequence thereof they have been put to great inconvenience and much suffering. In several cases these families have been left without animals of any kind, entirely unable to cultivate their little farms. A large number of those claims are now filed away at Washington, have been there many months, and in some instances years. During all the months that those claims have been pending Indians, whose hands are red with the blood of our best citizens, have been fed by choice beef issued to them by the Government at Washington, whilst those claimants thus robbed have been, as it were, struggling for an existence.

Wherefore, Your memorialists humbly pray that measures may be taken to act on those claims at as early a date as possible, in order that those worthy and warranted may be allowed and paid.

Approved February 2, 1885.

No. 3.

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled :

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, would respectfully represent as follows :

That according to the United States census for the year A. D. 1880, the aggregate population of the Territory of Arizona,

New Mexico, Utah, Idaho and Montana and the States of Nevada and Colorado amounted to six hundred and thirty-two thousand three hundred and thirty (632,330) inhabitants, and the taxable property of said Territories and States in the year mentioned amounted to one hundred and seventy-four millions, two hundred and twenty-two thousand, seven hundred and twenty-nine (\$174,222,729) dollars.

That within all these States and Territories, since said census was taken, there has been an increase both in population and taxable property of at least twenty (20) per cent, thus aggregating at the present time a population of seven hundred and fifty-six thousand, seven hundred and ninety-six (756,796) inhabitants, and taxable property of the value of two hundred and nine millions, sixty-seven thousand two hundred and seventy-four (\$209,067,274) dollars.

That the superficial area of these Territories and States covers an almost boundless extent of rugged and snow-clad mountains, and dry and arid deserts, rendering it the most undesirable and inhospitable portion of the United States, a section of country designated by our early geographers as the "Great American Desert."

That attracted thither by its great subterranean wealth, a brave, manly and enterprising population first sought and occupied this portion of our common country, subdued the savage Indian, and demonstrated that it was not only rich in its mineral wealth but was well adapted to the purpose of breeding and maintaining vast herds of horses and cattle.

That to-day a large majority of the entire population of these States and Territories is dependent upon the silver mining industry for a support and maintenance, and the largest proportion of the taxable property of the States and Territories is directly connected with and dependent upon the mining interest for its taxable value.

That relying upon the pledge and faith of the United States Government to maintain and preserve the present standard value of silver, the people have devoted themselves almost exclusively to the silver mining interest.

Have by their perseverance and energy erected costly and expensive reduction works; have threaded the entire section with a network of railroads which required the leveling of mountains and the spanning of torrent rivers.

Have built comfortable homes and dwellings.

Have, by their various improvements, added millions of dollars to the taxable property of the nation, and have within eight years past added over three hundred and forty million dollars to the wealth of the world.

That these people, in view of the great hardships they have endured in their struggle to reclaim this mountainous and desert country, are entitled to some consideration from the Congress of the United States.

That the suspension of the coinage of silver at this time by the United States Government would effectually deprive all these people of the means of earning an honest living, render them houseless and homeless, and entirely destroy the value of the property they have built up.

That political economy has demonstrated that values of property are determined by the quantum of gold and silver in circulation. The greater quantity of these metals in circulation, the greater revenue will the general government and the several state governments receive; and should the coinage of silver be stopped, or in any manner curtailed, it will necessarily deprive the government of its revenues to that extent.

That several of said States and Territories lie along and close to the border of the Republic of Mexico; that silver is the general medium of circulation in said republic, and also in the Republics of Central and South America; that a large and steadily increasing commerce is being built up with said republics and should the coinage of silver be stopped or impeded by the United States, this valuable trade would necessarily be greatly retarded.

That the most persistent advocates of mona-metallism with all their sophistry and special pleadings, have utterly failed to prove that the coinage of silver under the Act of Congress of February 28, 1878, has in anywise proved detrimental to the best interests of the whole nation.

That by said Act of February 28, 1878, whereby the Honorable Secretary of the Treasury purchases monthly at the current London market rates, not less than two millions of dollars (\$2,000,000), nor more than four millions of dollars (\$4,000,000) worth of silver bullion, and has the same coined and issued as standard dollars, a direct tax far greater than that levied on any other industry, amounting from twelve to sixteen per

cent is placed upon silver mining, and should the coinage of silver be stopped, the government would thus lose the amount of said tax, the same being from two million eight hundred and eighty thousand (\$2,880,000) dollars to seven million six hundred and eighty thousand (\$7,680,000) dollars annually.

Wherefore, resolved by the Council, the House concurring :

That our delegate in Congress be instructed to urge upon Congress to enact such laws as will provide for the free and unlimited coinage of silver, and restore it to its former relative value with gold.

Resolved, That His Excellency, the Governor, be requested to forward immediately a copy of this Memorial and Resolutions to our delegate in Congress, and also a copy to the Governor of each of the silver producing States and Territories of the Union, and ask of them their earnest and hearty co-operation in our endeavor to arrest the calamity that would follow the suspension of silver coinage.

Resolved, That in view of the late date at which the call for the National Silver Convention to be held at Denver, Colorado, on January 28, 1885, was laid before this Council, and the impossibility for us now to appoint a delegate from Arizona to said convention, that His Excellency, the Governor, be requested to telegraph to the president of said convention the hearty and full approval of the people of Arizona of the objects for which said convention was called, and be empowered to appoint by telegraph some suitable person in Denver to fitly represent the Territory of Arizona in said convention.

Approved February 2, 1885.

No. 4.

MEMORIAL

Memorializing Congress in reference to certain lands in Arizona Territory.

WHEREAS, Immense tracts of land in this Territory are now owned or claimed by a few railroad companies, under grants from Congress; that such lands comprise a very considerable portion of the agricultural lands of our Territory; that the holding of a claim to such large tract of lands by a few persons has proved very disastrous to the interests of our

citizens by preventing the development of our resources and the settlement of our Territory; therefore, be it

Resolved, That Congress is earnestly requested to order the said land, particularly that part now claimed by the Southern Pacific Railroad Company, to be restored as soon as practicable to settlement by pre-emption, homestead, etc. On behalf of the citizens of this Territory we ask that Congress will not permit the present session to pass without granting us the relief so earnestly desired.

Resolved, That the Governor of this Territory be respectfully requested to forward this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to our Delegate in Congress, at Washington, at his earliest convenience.

Approved February 6, 1885.

No. 5.

MEMORIAL

To the President of the United States, the Senate and House of Representatives, asking for the appointment of a fourth United States Judge, and an increase of compensation to Judges.

To the President, the Honorable Senate and House of Representatives, in Congress assembled :

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, beg leave to represent to your Honorable bodies :

That the extent of each of the three Judicial Districts of the Territory of Arizona is very great, and the labor of the Judges is steadily increasing.

That the demands for the appointment of another Judge in Arizona has been felt for many years. That owing to the extraordinary labor performed by the United States Judges in this Territory, the large districts over which they are called to preside claiming the entire attention and time of said Judges in the performance of their official duties, the heavy expenditure necessary for payment of traveling from points remote from each other within their districts where terms of court are held, and the very heavy expenses required by them in this Territory to support their families.

Your memorialists would further most earnestly ask the enactment of a law forbidding any Justice of the Territorial Supreme Court from sitting in judgment in the Supreme Court upon any cause heard or determined by him at *nisi prius*.

Your memorialists would respectfully and earnestly ask that the salary which said Judges now receive be increased from \$3,000 to \$5,000 per year. Now, therefore,

Be it resolved by the Legislative Assembly of the Territory of Arizona :

That our Delegate in Congress be, and he is hereby instructed to use all honorable means to bring this subject to the earnest and favorable consideration of Congress; and be it further

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing to the President, each House of Congress, and our Delegate in Congress.

Approved February 11, 1885.

No. 6.

MEMORIAL

To the Honorable, the Senate and House of Representatives
in Congress Assembled.

The Legislature of the Territory of Arizona respectfully represent that,

WHEREAS, The Colorado River is a portion of the boundary line between the United States and Mexico, and its navigation in case of what would be of paramount importance in the protection of our Territory and our people; and,

WHEREAS, it is now navigable to the junction of the Virgin and Colorado at Rioville during the highest stages of water; and,

WHEREAS, At proportionately small outlay asked by your petitioners said Colorado River could be made, by the removal of obstructions, navigable during all seasons of the year for light tonnage craft of all kinds to a point thirty miles above Rioville, which can be verified by any practical and unprejudiced engineer; and,

WHEREAS, There are on both sides of said river mines of gold, silver, copper and other valuable metals, and in the interior large tracts of agricultural and grazing land along the course of said stream between the points above named, which are sparsely settled and unproductive, owing to the cost and difficulties of transportation and which would become valuable land if said stream were made navigable; and,

WHEREAS, The principal obstruction to the navigation of said stream lie between a point thirty miles above Rioville and Fort Yuma, and consists principally of rocks and drifts and sand-bars, which could be easily removed without any great expense, as measured by the benefit to be derived; therefore, be it

Resolved, That our Delegate to Congress be requested to use every honorable effort to secure from the general Government an appropriation of one hundred thousand (\$100,000) dollars, to be used in improving the navigation of the Colorado River between Fort Yuma and a point thirty miles above Rioville, the junction of the Virgin and Colorado Rivers, under the proper management of competent engineers, for the purpose of making said stream permanently navigable between the points above named.

Resolved, That His Excellency, the Governor of the Territory of Arizona, be requested to forward a copy of this Resolution to the Honorable, the Secretary of the Interior, and our Delegate in Congress, asking their hearty support and earnest co-operation in obtaining said appropriation.

Approved February 21, 1885.

No. 7.

MEMORIAL.

To the Honorable, the Senate, and the House of Representatives of the United States in Congress assembled:

Your memorialists, the Thirteenth Legislative Assembly, of the Territory of Arizona, respectfully represent that the growth and prosperity of said Territory is greatly retarded by the lack of proper coast advantages and a suitable outlet to the Pacific Ocean; and,

WHEREAS, The purchase by the United States Government from the Republic of Mexico, of that portion of the Territory of the latter, commencing at a point where the 111th

Meridian intersects the present southern boundary line of the Territory of Arizona; thence running south along the line of said Meridian to the 30th parallel of north latitude; thence west along said parallel to the center of the Gulf of California; thence northwesterly, along the center of said Gulf to the mouth of the Colorado River; thence along the center of said river to northern boundary line of Lower California, would furnish to this Territory such coast advantages and outlet to the Pacific Ocean as would ensure cheap transportation of its mineral, agricultural and other products to the markets of the world.

Wherefore, your memorialists earnestly petition your Honorable bodies to take into consideration the propriety of making a purchase of the Territory above described, and, if found expedient, to take measures for the accomplishment of the same.

Therefore, be it resolved, That the Secretary of the Territory is hereby requested to transmit a properly authenticated copy of this Memorial to each House of the Congress of the United States, the President-elect of the United States, and to our Delegate in Congress.

Approved February 25, 1885.

No. 8.

MEMORIAL

Memorializing His Excellency, Grover Cleveland, President-elect of the United States, that in making Territorial appointments to offices within this Territory such appointments be limited to *bona fide* residents of this Territory.

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, beg leave to represent that we have, resident within our borders, worthy citizens well qualified in every respect to properly and faithfully discharge the duties of any official position of trust or honor, within the Territory.

Your memorialists would therefore ask, that all nominations which may be made hereafter by your Excellency to official positions within this Territory be made from citizens of this Territory.

Approved March 6, 1885.

No. 9.

MEMORIAL.

*To the Honorable, the Senate and the House of Representatives
of the United States of America in Congress assembled :*

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, respectfully represent, that,

WHEREAS, You Honorable bodies have been memorialized by an association of persons denominated as the "National Cattle-men's Convention," through a Convention held by that body at St. Louis, in the latter part of the year 1884, requesting Congress to lease the grazing lands of the public domain, and,

WHEREAS, Your memorialists have carefully examined into the scheme promulgated by those claiming to represent the views of the cattle interest of the country as entertained in said Convention.

Your memorialists find the propositions advanced at said Convention would disastrously affect the interests of the *bona fide* settlers, the emigrant, and the citizens of the United States, that,

Your memorialists believe that any action by Congress in that direction would tend to retard the material prosperity and development of the country.

That we are unalterably opposed to the leasing or granting of any part of the public domain to any association of persons or corporations ; that,

We believe that no concessions of any kind or character should be granted to any corporate body or association of men which would tend to imperil the rights of the settler and the citizen ; that,

The remaining portion of what is now left of the vast territory west of the Missouri River, should for the future be kept free and clear from all incumbrances, and be reserved for homesteads for the people, and that any further parcelling of the public domain to alien syndicates and corporations should be forever prohibited ; therefore, be it

Resolved, That the Secretary of the Territory be and he is hereby requested to transmit at once a copy of the foregoing memorial to the Honorable, the Senate and House of Representatives of the United States.

Approved March 8, 1885.

No. 10.

MEMORIAL

To Congress requesting authority to control and dispose of
School and University Lands.

*To the Honorable the Senate and House of Representatives of
the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Arizona, would respectfully represent that while the appropriation of public lands by your honorable body for the maintenance and support of common schools to the future State of Arizona is large and magnificent, it is of no practical benefit to the present Territorial condition of our people, who feel an active interest in the education of the youth of the Territory; nor can we confidently look forward to any early period when Arizona can, by being admitted as a State into the Union, be in a position to make any practical use of the school and university lands. At the time the policy of granting public lands to foster and support educational institutions was adopted by the Government, less than two-thirds the population now required was then deemed ample to entitle a people to organize a State Government and ask admission into the Union on an equality with the older States.

In the Territory of Arizona an excellent system of public schools is now maintained, and the most perfect methods of educating the youth in common schools has been adopted, and is now in successful operation; yet, there is an urgent demand for a more advanced system of education in a Territorial school of a higher grade and character, and it is an established fact that such an institution is as essential to the perpetuity of republican institutions as is the common school.

And your memorialists would further represent that the initial steps have already been taken for the organization of a University in Arizona, and we now appeal to your honorable bodies to grant to this Territory the authority to control and dispose of the public school lands and university lands, to enable us to erect our University and set its educational machinery in motion; therefore,

*Be it resolved by the Legislative Assembly of the Territory of
Arizona :*

That our Delegate in Congress be and he is hereby instructed to use all honorable means to bring this subject to the earnest and favorable consideration of Congress; and be it further

Resolved, That the Secretary of the Territory of Arizona be and he is hereby requested to transmit a copy of the foregoing memorial to Congress, and also a copy to the honorable Secretary of the Interior.

Approved March 8, 1885.

No. 11.

MEMORIAL

Petitioning Congress for further protection of the border, between this Territory and the States of Sonora and Chihuahua, in Mexico.

WHEREAS, The southern portion of the Territory of Arizona borders upon the States of Sonora and Chihuahua, in Mexico, and

WHEREAS, A large portion of the criminal element of said Territory frequent and commit their depredations along the said border, owing to the protection from punishment afforded it, from the fact that criminals after commission of crimes, can seek immunity from said punishment by crossing said border into Mexico, and

WHEREAS, The treaty relations between our Government and that of Mexico are deficient, in so far that a large portion of our criminals are not subject to extradition, and owing to the difficulties and delays of extradition in such cases where said treaty relations admit of such extradition ; and

WHEREAS, There have been, and are now, bands of men organized for the purpose of stealing cattle in one country to be disposed of in another, which stealing has assumed such alarming proportions as to seriously threaten the financial welfare of the stock raisers along the border. Now, therefore, be it

Resolved, That Congress is hereby memorialized to pass an Act, creating a Mounted Patrol, to patrol the border between this Territory and the States of Sonora and Chihuahua, in Mexico, for the apprehension of criminals from either country committing depredations in this Territory, or creating a large reinforcement of the Custom-House guard, with authority to arrest said criminals, and that the treaty relations between our Government and that of Mexico be modified in such a manner as will provide for greater security to residents near

the border, and reduce the difficulties and delays of extradition. And be it further

Resolved, That the Governor of this Territory forward copies of this memorial, certified to under the seal of the Territory, to our Delegate in Congress, the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, for proper presentation to the Congress of the United States.

Approved March 9, 1885.

No. 12.

MEMORIAL

To the United States Congress, asking that John Dobbs, of Pima County, Arizona Territory, be granted a pension by the United States.

To the Senate and House of Representatives in Congress assembled :

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, do most respectfully represent and set forth :

That "John Dobbs," now residing at the City of Tucson, in the County of Pima, Arizona Territory, was on the 26th day of February, A. D. 1872, engaged in herding and delivering beef cattle at Camp Bowie, in said Territory, then and now a United States military post.

That on said day, whilst so engaged in herding, and within a distance of half a mile from said military post, he was attacked by Apache Indians, the herd stampeded, his companion, John Williams, instantly killed, and he, said John Dobbs, was badly wounded in both arms, being shot four times. That by reason of said wounds, said Dobbs almost entirely lost the use of his arms; the bones of his left wrist, forefinger of left hand and the elbow joint of his right arm having all been removed by the United States Surgeon at Post Camp Bowie.

That said John Dobbs has ever since been totally incapacitated from performing any manual labor, but has struggled and continued in various ways to support himself as best he

could, notwithstanding such painfully crippled condition. That said Dobbs is unmarried and has only one relative, a brother residing in said Territory. Now, therefore, be it

Resolved by the Legislative Assembly of the Territory of Arizona. That our Delegate in Congress be and he is hereby instructed to respectfully present the foregoing statement of facts to the United States Congress, and to earnestly endeavor to procure and secure for said John Dobbs, a special appropriation, or a pension similar to pensions granted to disabled soldiers, sufficient to recompense him for the suffering entailed upon him and for his future support; and be it further

Resolved, that the Secretary of the Territory is hereby instructed to forward an engrossed copy of this memorial, duly attested under his hand and seal, to the Honorable C. C. Bean, Delegate in Congress for Arizona Territory.

Approved March 9, 1885.

No. 13.

MEMORIAL

To the Honorable Senate and House of Representatives, asking that General Grant be placed on the retired list.

To the Honorable, the Senate and House of Representatives in Congress assembled:

Your memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, would most respectfully represent: That in harmony with the general feeling of the country, and more particularly of the almost universal sentiment of the Pacific States and Territories, your memorialists would respectfully ask that General Grant be placed on the retired list. That his eminent services to the country demand such recognition, being in accordance with the custom of all nations; that we believe the time has come when such action by Congress would be hailed as a grateful tribute to a brave but unfortunate soldier, who has spent the greater portion of his life in the service of his country; therefore, be it

Resolved, That His Excellency, the Governor, be requested to speedily send a copy of the foregoing to the President and each House of Congress.

Approved March 9, 1885.

No. 14.

MEMORIAL

In reference to the San Carlos and White Mountain Reservations.

To the Senate and House of Representatives of the United States in Congress Assembled :

Your Memorialists, the Thirteenth Legislative Assembly of the Territory of Arizona, most respectfully represent to your Honorable bodies :

That the setting aside by order of the President of the United States of a large tract of land situated in the very heart of the Territory of Arizona, to be used as reservations for the Apache Indians, embracing more than one million acres of the garden spot of Arizona; that the Indians now occupying these vast reservations, comprising the richest mineral, agricultural and timber lands of the Territory, have made no use of said lands, but simply withhold the same from public use and occupation, and are a perpetual menace to the peaceful settler, retarding progress, paralyzing prosperity, and rendering the richest and grandest portions of the Territory useless and valueless.

That the San Carlos and White Mountain Reservations include thousands upon thousands of acres of the most productive country within the Territory, magnificently watered, and covering the fountain heads of all our most important streams, now rendered of no use, but serving as the abode and lurking places of a discontented, idle and vicious horde of savages, a curse and a plague to civilization and a danger and disgrace to the Territory.

That the present apparent quietness of the Apache Indians, neither reassures or deceives any one dwelling upon the borders of the reservations. That the presence here of General George Crook, is the only safeguard against Indian outbreaks and murderous forays.

That your Memorialists believe that these Indians ought and should be removed from our midst to some part of the Indian Territory, where they may learn the rudiments of education and become in time peaceable, if not useful mem-

bers of society and that the rich and productive Territory now occupied by these semi-bonded savages be reserved to the uses of the citizens of the United States.

Therefore it is requested That the Secretary of the Territory be, and he is hereby requested to transmit as soon as copy of the foregoing Memorial to the President, the Senate and House of Representatives of the United States, and to our Delegate in Congress, and that our Delegate in Congress be, and he is hereby requested to use all appropriate means to bring this matter to their earliest and favorable consideration.

Approved March 11 1885.

No. 15.

MEMORIAL

To the Honorable the Senate and House of Representatives of the United States of America in Congress Assembled

Your memorialists the Thirteenth Legislative Assembly of the Territory of Arizona beg leave to represent to your Honorable bodies:

That as Congress has heretofore made liberal appropriations for sinking artesian wells in some of the other States and Territories your petitioners respectfully represent that nowhere would appropriations for that purpose be more beneficial than in the Territory of Arizona, and that the assistance of Congress is most respectfully desired for the purpose of demonstrating the feasibility of developing water in the higher valleys and uplands of this Territory.

That there is no reasonable doubt of the existence of water in all the higher valleys of Arizona, but that the great expense precludes the poor settler from attempting the experiment.

That the Government of the United States still owns nearly all the uplands and higher valleys of the Territory, and a judicious expenditure of \$100,000 on these uplands and valleys would in a short time more than repay the expense, and the benefit to the Territory would be incalculable: Wherefore, be it

Resolved, That vast bodies of rich grazing and agricultural lands, within the Territory of Arizona are now lying waste and worthless for want of water, where an appropriation of \$100,000 would render these lands fit homes for hundreds of thousands of citizens.

Wherefore Congress is respectfully requested to appropriate that sum for sinking artesian wells in the uplands and higher valleys of Arizona ; and, be it further

Resolved, That His Excellency, the Governor, be and he is hereby requested to transmit a copy of the foregoing Memorial to the President of the United States and the Honorable the Senate and the House of Representatives.

Approved March 12, 1885.

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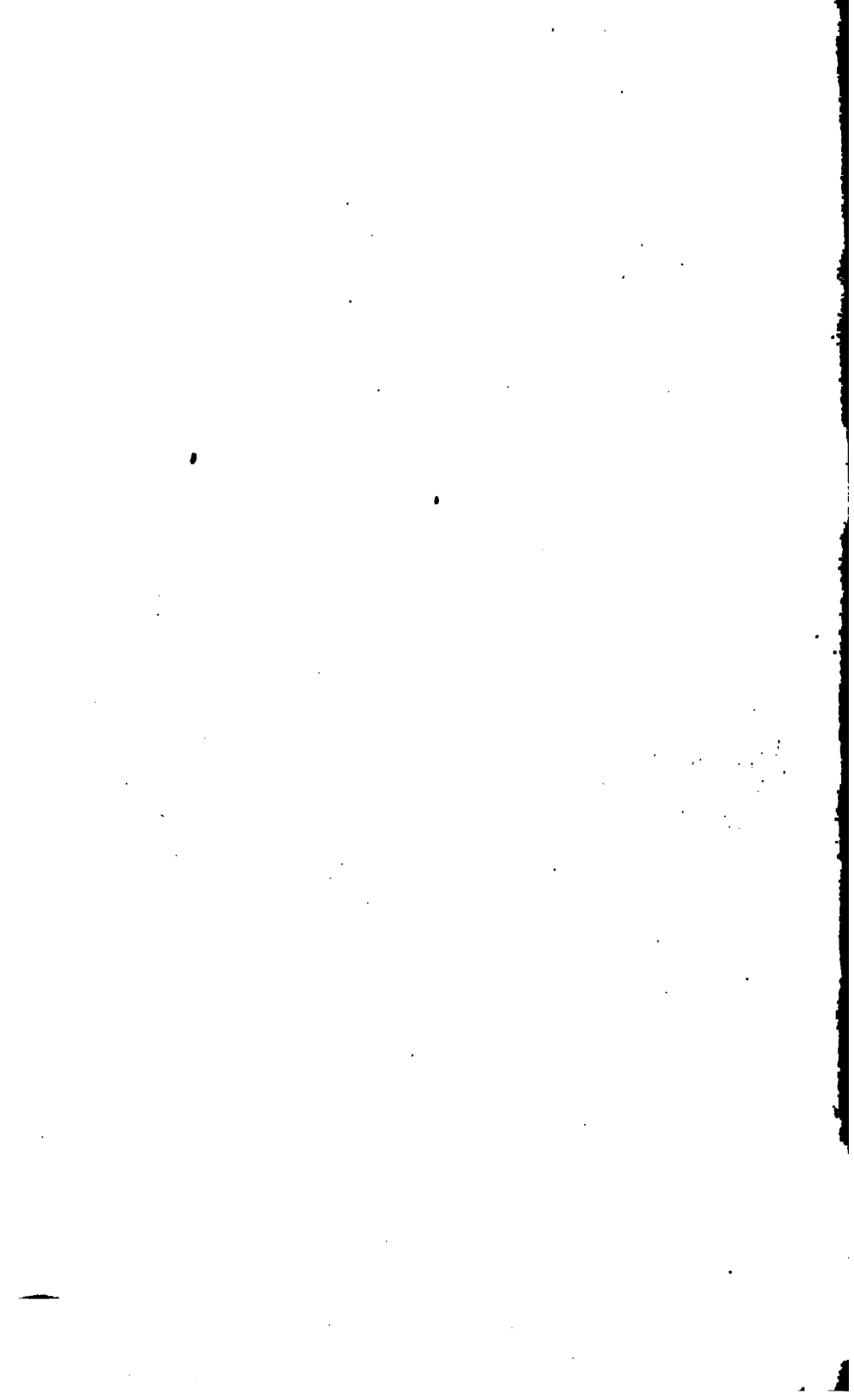
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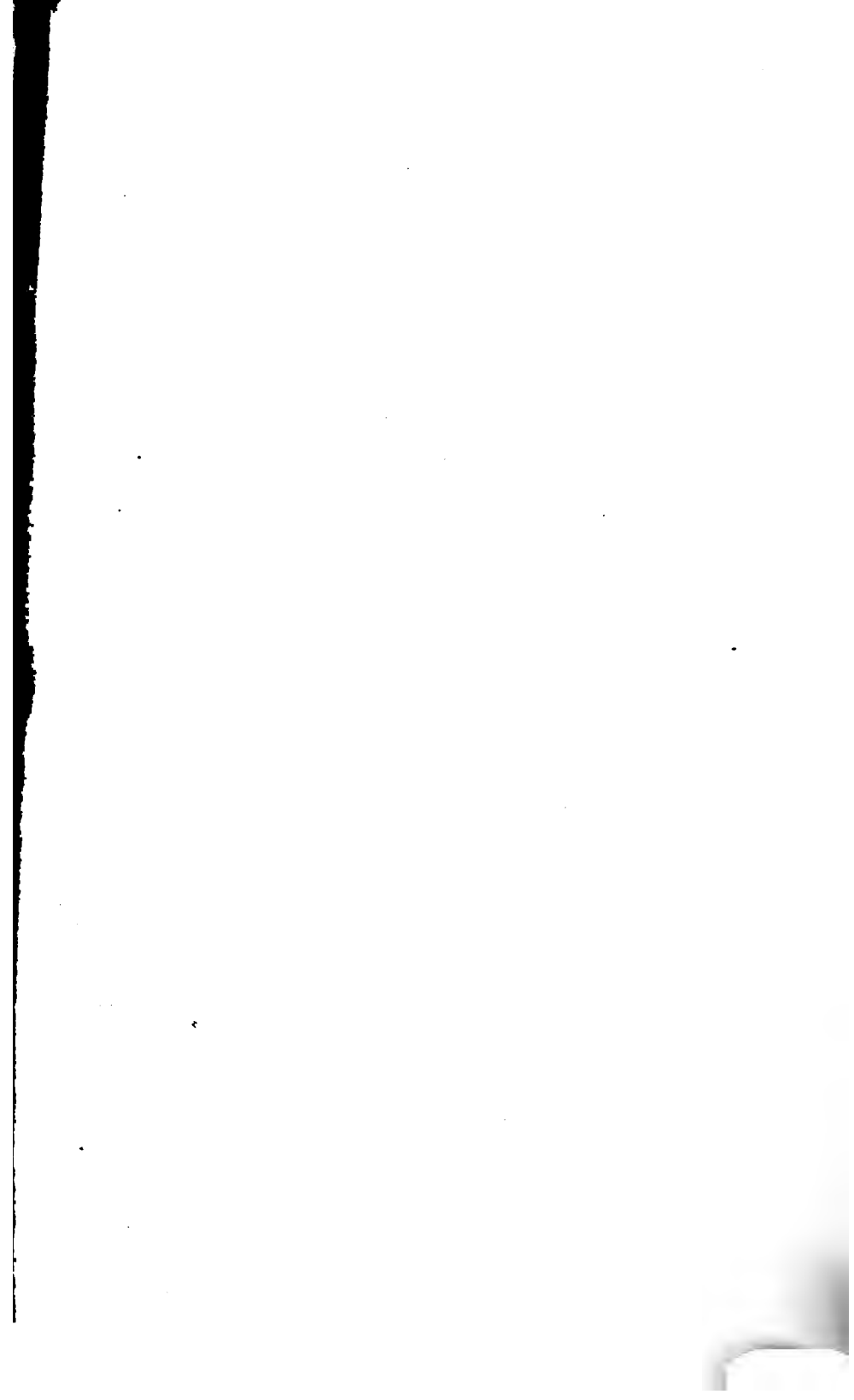
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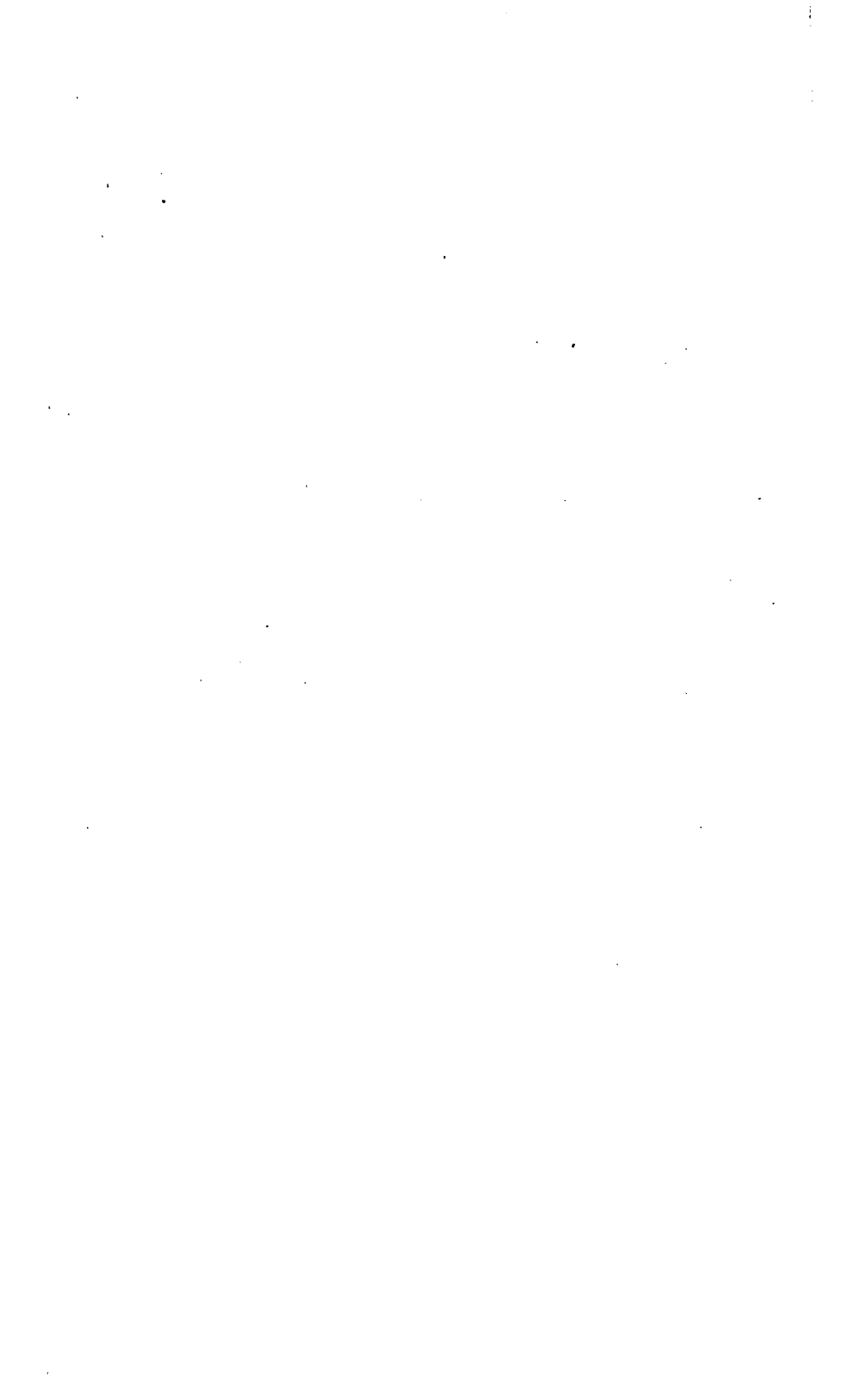
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